LAKE FIVE FAS ACQUISITION AND DEVELOPMENT
ENVIRONMENTAL ASSESSMENT
FINAL
May 31, 2005

Chapter 1: Purpose of and Need for Action

1.1 Proposed Action

In November of 2004, a ten-acre parcel of land on Lake Five in Flathead County was purchased and donated to the Fish, Wildlife & Parks Foundation with the intent that the property be developed as a fishing access site to be managed by Fish, Wildlife & Parks (FWP). The action considered in this environmental assessment is twofold: 1) to accept the donation of the property and the funding made available to assist in management of the property and 2) to develop the property as a fishing access site.

Development at the site will include parking, canoe launch, vault toilet, boat ramp, signs and gates, entrance road improvements, and a host pad. All the facilities, with the exception of the host pad, will be developed in the primary development project. The host pad will be completed after proper permitting and zoning is completed and will include power, a well, and a septic system. The purpose of having a host on-site is to reduce impacts to other people adjacent to the property and elsewhere on the lake by closing the site at night, providing maintenance services, and providing someone to contact enforcement if problems occur on the site. FWP has found hosts to be the most effective deterrent to late night parties and other activities that would impact neighbors to the property. The property would be open to public use from 5:00 a.m. to 11:00 p.m. daily during the summer, with winter hours being adjusted according to the daylight schedule.

1.2 Need for the Action

Lake Five is a 151-acre lake located off of Highway 2 between Columbia Falls and West Glacier. This lake currently has no public access for boat launching. There is a private resort located on the lake, which provides a launch for their clientele. In the past they have allowed the public to launch there for a fee; however, we have been told by two individuals that they have been turned away in recent years. Public boat access has been lost at a number of lakes in Region One (Lake Blaine, Beaver Lake, Many Lakes, Milner Lake, etc.) when land previously used by the public was sold or converted in use. Public access for shore fishing was historically available at the following two locations:

a. The railroad right of way between the railroad tracks and the lake. Due to liability concerns, the railroad has closed this access.
b. A parcel on the east shore between the lakeshore and the county road. The ownership of this parcel is unclear. In addition, the site is steep, with a 10-foot drop, making it unsuitable for boat access, and can only be negotiated by able-bodied people.

The lake contains brook trout, kokanee salmon, yellow perch, and largemouth bass. Current fishing pressure is 496 fishing days annually. In the past, when access was more readily available, fishing pressure was much greater. Please see Appendix C for fishing pressure surveys for the past nine years. Please see Appendix B for the planting records for Lake Five. The fishing on this lake has been limited by the lack of public access.

1.3 Objectives of the Action

The objective of this action is to provide recreational access to Lake Five for fishing, while minimizing impacts on current property owners.

1.4 Relevant Plans, EISs, Eas, Regulations, and Other Documents

MCA 23-1-101 gives FWP the duties and powers to conserve the scenic, historic, archaeological, scientific, and recreational resources of the state and to provide for their use and enjoyment, thereby contributing to the cultural, recreational, and economic life of the people and their health.

In the Six-year Plan done by FWP in 2001, enhancing fishing access and opportunity was one of six goals identified by the Fisheries Division.

1.5 Decisions that Must be Made

Decisions that must be made through this environmental analysis and public process are:

1. Whether to accept the donation of 10 acres on Lake Five.
2. The level/type of development to occur on the site.

1.6 Scope of the Environmental Analysis

1.6.1 History of the Planning and Scoping Process.

In January of 2003 a woman, wishing to honor her son who had recently passed away, approached Fish, Wildlife & Parks. In honor of her son, she wished to provide a fishing access site for public use. Region One had identified Lake Five as a high priority for public access. During the same time frame, property owners, who have land on Lake Five, approached FWP. They wished to complete a sale with the Department to provide public access, as this was a request of their late father. With this confluence of desires, they completed a bargain sale/purchase of ten acres on Lake Five and donated the land, along with funds for future maintenance of the site, to the Fish, Wildlife & Parks Foundation. The intent of the donation is that a fishing access site, to be known as Paul's Fishing Access Site, be developed on the lake and made available to the public. Development will be done using state and federal funds. A trust fund will be set up through the Fish, Wildlife & Parks Foundation, to provide a portion of the annual maintenance of this site.

A preliminary plan has been developed, to be presented in this environmental assessment and public process in order for the public to be able to comment on the scope of the project. Please see Appendix D to see a copy of this plan. Notification about this project will be placed in the legal sections of the Hungry Horse News and Daily Inter Lake. Addresses of homeowners on Lake Five will be acquired from the Plat Office, and written notification will be sent that the EA is available. The environmental assessment will be placed on the FWP web site.

An open house was held on March 8, 2005, between 5:00 and 7:00 p.m., at the Hungry Horse Ranger District office, 8975 Hwy. 2 East, Hungry Horse, Montana. This was done in order to provide information and take comment. Forty-three people attended

the meeting. Jim Satterfield, the Regional Supervisor in Region One subsequently met with representatives of the Lake Five Homeowners Association. There was a 30-day public comment period, with the end of the comment period extended two weeks, from March 18 to April 1, 2005.

1.6.2 Issues Studied in Detail and Issues Eliminated from Further Study.

A listing of issues identified for analysis is in Chapter 3. The proposed action is considered to have minor or temporary impact on the natural resources in the area.

It is anticipated that issues of great concern will be social issues related to the impact of having public access on a previously private lake. In particular, we anticipate these to be:

1. Concern has been voiced over the introduction of additional motorboats, water skiers, and wave runners. The private landowners around the lake and the private resort on the lake currently use the lake for waterskiing and jet skiing, but the addition of more motorboats has been expressed as a concern. It is the Department's belief that the limited parking available at the proposed site (7 boat and trailer sites and 16 individual vehicle sites) will be self-limiting. Additionally, with public access available on the lake, FWP Enforcement will be more active in enforcing current water safety regulations. This will include a no-wake zone for 200 feet from the shoreline.

2. It is expected that there will be concerns about site control at a public recreation area. To prevent late night partying and vandalism, the proposed project was designed with a host pad. This will enable a volunteer to live on-site during the high-use season. He/she will be responsible for some maintenance, shutting the gate at night and opening it in the morning, and notifying authorities if activities are occurring that impact the site or adjacent neighbors. Normal operating hours at fishing access sites during the summer are from 5:00 a.m. until 11:00 p.m.

   Based on an evaluation of the impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the proposed action; therefore an EIS is not necessary. Additionally, the seriousness and complexity of the issues analyzed in accordance with ARM 12.2.431 make the EA an appropriate level of review.

1.7 Applicable Permits, Licenses, and Other Consultation Requirements

1.7.1 Permits.

The following permits will be needed for this project:
1. 404 Army Corps of Engineers Permit for lakeshore development.
2. County Road Department Permit for signing on county road.
3. County Approach Permit for entrance road.
4. Permit from County Sanitarian for water and septic for host pad.
5. 175 Permit from Flathead County for lakeshore development.
6. 401 Permit for water quality.

1.7.2 Coordination Requirements.

Coordination with the following agencies/entities will be needed:

1. Consultation with State Historic Preservation Office and the Confederated Salish and Kootenai Tribes (CSKT) regarding historical/archeological artifacts.
2. Consultation with Natural Resources Conservation Services regarding any prime or unique farmland.
3. Consultation with FWP biologists regarding wildlife impacts.

Chapter 2: Alternatives Including the Proposed Action

2.1 Introduction

Three alternatives considered in the project are discussed below. Alternative III, the preferred alternative, was considered in most detail in the environmental analysis portion of this document. Alternative I, the no-action alternative would have the least environmental and social impacts, as the site would not be developed as a public use area and there would continue to be no public access on Lake Five. Alternative II would have greater impacts on social factors and environmental factors, as there would be less site control than Alternative III.

Alternatives Considered and Dismissed

An access site that was considered during preliminary investigation with the Ridenour family regarding a potential access site on Lake Five was a piece of property owned by the Ridenour family adjacent to property owned by the Walsh family. This option was not pursued because the Ridenour family preferred the selected location and because it would have been necessary to gain legal access through the Walsh property. The next property identified was a site adjacent to the private property of the manager of the Lake Five Resort. An alternative proposal was submitted to the FWP Foundation and FWP to consider a land trade between the site donated by Mrs. Taylor and the boat ramp area located at the Lake Five Resort. This ramp is adjacent to the landowner who did the primary sale to Mrs. Taylor, who subsequently donated the property to the foundation. One part of the alternative proposal was that the land given to the Foundation would have covenants on it prohibiting the launching of large motorboats or jet skis from the site. As part of that, the resort would also restrict their rental of jet skis, but no restrictions would be placed on lake front property owners regarding their use of or types of boats.

FWP and the Foundation considered this proposal. They visited the site and found that that land would be suitable for a fishing access site; however, the deed restrictions were problematic. FWP did not believe it would be in the public's best interest to restrict lake users who access through a public access site in their recreational boating activities, while allowing people who accessed the lake through private property to not have those same restrictions placed on their recreational activities. This tiered approach to recreational access would not be in keeping with the goals and mission of FWP. In addition, having deed restrictions such as this would be very difficult to enforce and could cause legal problems if the public did launch a large motorboat or jet ski from the site.

One other consideration in this decision-making process was that the original parties to the agreement to bargain sale a public access to FWP were not in favor of the trade. Because of these two issues, this alternative was considered, but ultimately dismissed.

Alternative I: No Action.

FWP would not accept the donation of ten acres on Lake Five and would not develop a fishing access site on the property. Either the FWP Foundation would find a nonprofit willing to develop and operate this site within the guidelines set up in the agreement, or the funds donated for the purchase and management of the property would be returned.

If the site was not developed, this alternative would have the least environmental impacts, as the site would not be developed for public recreation. However, this alternative would continue to preclude public recreational access to Lake Five, and enforcement would continue to be limited due to the lack of public access.

If the FWP Foundation chose to find a nonprofit to operate the site, impacts would be similar to those in Alternative II, minimal development.

Alternative II: Minimal Development.

In this alternative FWP would accept the donation of ten acres on Lake Five and would develop a fishing access site on the property; however, the level of development would be reduced. No host pad would be installed, and the roads would be gravel instead of paved.

This alternative would have greater environmental and social impact for the following reasons:

1. Gravel roads may cause additional dust problems on the lake and for adjacent neighbors. While the amount of dust on the lake would be minimal and runoff issues could be mitigated through proper design, more dust would be raised than would be if the roads were paved. In addition, while the cost of putting in gravel roads is less, continued maintenance of the road system adds additional operations cost for grading and dust control.
2. With public access on Lake Five there will be increased patrol from the Enforcement Division, which may help with some concerns expressed by the public regarding the use of jet skis and water skiing.
3. The removal of the host pad from the project would leave less of a footprint of disturbance on the site; however, removal of the host pad also removes one mechanism for site control. There would be no staff available to open and shut the gate, and no on-site presence to reduce late night partying or to contact enforcement when issues arise. While this alternative would eliminate operational costs of the host pad (costs for water, power, and telephone), it would increase costs associated with enforcement and vandalism. In addition, without an on-site presence there will be more social impacts to adjacent neighbors.

Alternative III: Preferred Alternative.

In this alternative FWP would construct a day-use boat access area for 7 vehicle and trailer combinations, and 16 parking sites for individual cars. Development would include a paved entrance road, parking, a vault toilet, boat ramp, signs and gates, and a host pad. All the facilities, with the exception of the host pad, will be developed in the primary development project. The host pad will be completed after proper permitting and zoning is completed, and will include power, a well, and a septic system. The purpose of having a host on-site is to reduce impacts to other people adjacent to the property and elsewhere on the lake by closing the site at night, providing maintenance services, and providing someone to contact enforcement if problems occur on the site.

This alternative is considered to have lesser social and environmental impacts than Alternative II, but more than Alternative I. The footprint of disturbance will be greater, but with paving, dust will not be an issue, and with an on-site presence, vandalism and late night disturbances will be greatly decreased. FWP has found hosts to be the most

effective deterrent to late night parties and other activities that would impact neighbors to the property. The property would be open to public use from 5:00 a.m. to 11:00 p.m. daily during the summer, with winter hours being adjusted according to the daylight schedule.

The increase in enforcement presence will be available with either Alternative II or III.

2.2 Process Used to Develop the Alternatives

2.2.1 History and Development Process of Alternatives.

These alternatives were developed by the Parks management at Fish, Wildlife & Parks. The preferred alternative was based on site contours and capacity, and previous experience in building and maintaining fishing access sites. Design alternatives were the project of the Design and Construction Bureau of Fish, Wildlife & Parks, while the operational alternatives were from both Parks and Fisheries managers and based on previous experience with fishing access sites in developed areas.

2.3 Summary of Comparison of the Activities, the Predicted Achievement of the Project Objectives, and the Predicted Environmental Effects of All Alternatives

This project has been designed to provide public access, while protecting the resources. In addition, a great deal of consideration has been given to having as little impact on other lake property owners as possible, while still providing adequate public access. Advantages and disadvantages of the three options are:

Alternative I No Action	Alternative II Limited Development	Alternative III Preferred Alternative
ADVANTAGES ♦No disturbance of currently undisturbed land. ♦No impacts to neighbors. ♦No increased use on the lake. ♦Least environmental impacts. ♦Least social impacts. DISADVANTAGES ♦No public access on Lake Five. ♦No increased water safety patrols due to public access. ♦No increased fisheries management.	ADVANTAGES ♦Provides public access on Lake Five. ♦Increased water safety patrols. ♦Provides for increased fisheries management. DISADVANTAGES ♦Gravel road will mean more dust for adjacent neighbors or possibly on lake. ♦No host pad will mean increased impacts on adjacent neighbors from late night disturbances. ♦Increased costs for vandalism repair, dust control, and maintenance. ♦Most environmental impacts. ♦Most social impacts.	ADVANTAGES ♦Provides public access on Lake Five. ♦Provides for increased fisheries management. ♦Increased water safety patrols. ♦Host pad will reduce late night disturbances and vandalism, and will provide for routine maintenance at the site. ♦Paved roads will decrease dust and maintenance. ♦Less environmental impacts than Alternative II. ♦Less social impacts than Alternative II. DISADVANTAGES ♦More environmental impacts than Alternative I. ♦More social impacts than Alternative I. ♦More operational costs for host pad (water, sewer, power, phone).

2.4 Identification of the Preferred Alternative

The preferred alternative for this project is Alternative III. This alternative best meets the objectives of the project, i.e., providing public access on Lake Five, while protecting the resources. It also best meets the objective of providing public access with minimal impacts on adjacent neighbors and other lake users.

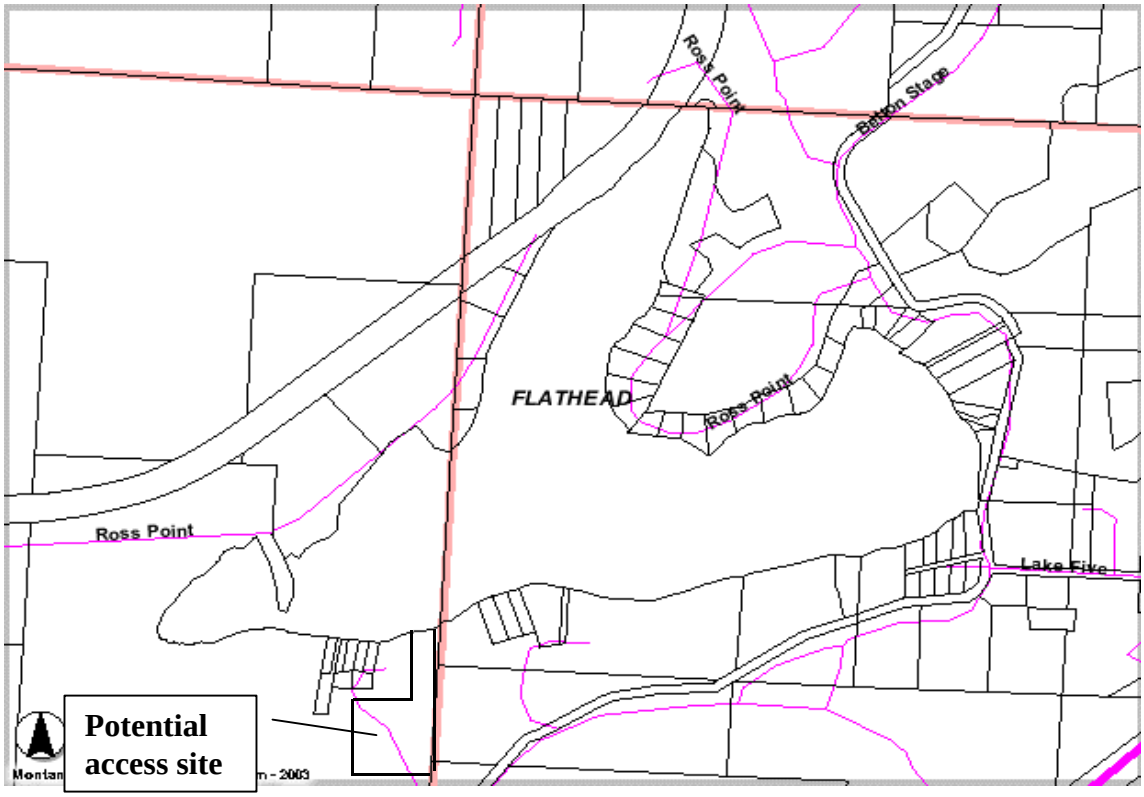
Chapter 3: Affected Environment

3.1 Introduction

Lake Five is a 151-acre lake that provides one of few warm-water and flat-water recreational opportunities, in the Coram/West Glacier area. Halfmoon and Mud Lakes have limited bass and perch fishing. It is popular for summer fishing as well as ice fishing. The lake is surrounded by private homes in a forested environment. One resort exists on the lake, which rents cabins during the summer months, provides a boat launch, and rents RV spaces.

The lake contains brook trout, kokanee salmon, yellow perch, and largemouth bass. Current fishing pressure is 496 fishing days annually. Please see Appendix B for the planting records for Lake Five. The fishing on this lake has been limited by the lack of public access.

A 10-acre tract of land, situated in Government Lot 3, Section 9, Township 31 N, Range 19 W, in Flathead County, has been purchased by Mrs. Elizabeth Taylor and donated to the FWP Foundation for the purpose of developing a fishing access site.


Ross Point
Beton Siding
FLATHEAD
Ross Point
Ross Point
Lake Five
Potential access site

3.2 Description of Relevant Affected Resources

3.2.1 Land Resources

1. LAND RESOURCES Will the proposed action result in:	IMPACT☼				Can Impact Be Mitigated☼	Comment Index
	Unknown☼	None	Minor☼	Potentially Significant		
➢a. Soil instability or changes in geologic substructure?			X		Y	1a
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X		N	1b
➢c. Destruction, covering, or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition, or erosion patterns that may modify the channel of a river or stream, or the bed or shore of a lake?			X		Y	1d
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other (list)						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

1a. Construction at the fishing access site will cause some temporary soil instability in the area specifically impacted by construction. Care will be taken to follow Best Management Practices and use barriers to prevent turbidity from entering the lake during construction. The site will be designed in such a way as to sheet runoff into vegetated areas so the water is filtered before entering the lake.

1b. Compaction of soils will occur where the boat ramp, parking lot, and host pad are constructed. While the impacts will be substantial on this particular site, the site size makes the overall impacts to the area minor. Care will be taken to follow Best Management Practices and use barriers to prevent turbidity from entering the lake during construction. The site will be designed in such a way as to sheet runoff into vegetated areas so the water is filtered before entering the lake.

1d. Because of development, more runoff will occur from this site. The site will be designed using Best Management Practices in design and construction, and the site will be designed in such a way as to sheet runoff into vegetated areas so the water is filtered before entering the lake.

☼ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

➢ Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3.2.2 Air Quality

2. AIR Will the proposed action result in:	IMPACT☼				Can Impact Be Mitigated☼	Comment Index
	Unknown☼	None	Minor☼	Potentially Significant		
➢a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13c.)			X		N	2a
b. Creation of objectionable odors?			X			2b
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
♦e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		X				
f. Other						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

2a. During construction the use of heavy equipment will cause a slight increase in emissions. When construction is completed this should be reduced. The roadways and parking area will be gravel, which could cause some dust during the summer when the site is being used. Speed signs will be placed to slow traffic to reduce dust problems, and dust abatement will be done on the roads as necessary.

2b. During construction the use of heavy equipment may cause some odors. These should be slight and should be gone when the project is completed.

☼ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

➢ Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3.2.3 Water Quality and Quantity

3. WATER Will the proposed action result in:	IMPACT☼				Can Impact Be Mitigated☼	Comment Index
	Unknown☼	None	Minor☼	Potentially Significant		
➢a. Discharge into surface water or any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?			X		Y	3a
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		Y	3b
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water-related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?			X			3h
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
♦♦l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				
♦m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		X				
n. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

See Appendix E for a copy of the water quality report for Lake Five from the Flathead Basin Commission. Mark Holston, the head of the Flathead Basin Commission, stated that the water quality in Lake Five is excellent, and better than most other area lakes, probably due to the presence of active springs in the bottom of the lake.

3a. Construction at the fishing access site will cause some temporary soil instability in the area specifically impacted by construction. Care will be taken to follow Best Management Practices and use barriers to prevent turbidity from entering the lake during construction. The site will be designed in such a way as to sheet runoff into vegetated areas so the water is filtered before entering the lake.

☼ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

➢ Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

Considerable concern has been expressed about the potential for increased discharge of unburned gasoline into Lake Five. While this is a potential, it is not anticipated that the increased discharge of unburned gasoline or oil will be significant.

3b. Because of the addition of a parking lot and roadways, there will be some soil compaction, which may slightly increase runoff from this site. Care will be taken to use Best Management Practices during construction and to design the site so any runoff from the site will be filtered through vegetation before going into the lake.

3h. Because of the area being used to launch motorboats into Lake Five, there is a slight risk of increased motorboat gas in the lake from older boats. Since the lake is currently used for motor boating by adjacent homeowners, the additional impact is considered to be slight. There is also a possibility of gas being spilled on the site while people are launching boats. The site will be designed in such a way that any accidental discharge will go into vegetation and be filtered before entering the lake.

3.2.4 Vegetation

4. VEGETATION Will the proposed action result in:	IMPACT☼				Can Impact Be Mitigated ☼	Comment Index
	Unknown☼	None	Minor☼	Potentially Significant		
a. Changes in the diversity, productivity, or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		N	4a
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?			X		Y	4e
♦♦f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				
g. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

4a. Because of the construction of a parking area, boat launch, and widening of roadways, some areas on the site will no longer support vegetation. This reduction will be insignificant overall. The site will be surveyed prior to construction to ensure no unique, rare, threatened, or endangered plants exist in the footprint of the planned construction.

4c. The Velvetleaf Blueberry was identified as existing north of Lake Five at an elevation of between 3,320 and 3,366 feet. It exists in dry, flat planes, with well-spaced lodgepole pine stands creating partial shading. Lake Five's elevation at water level is 3,260 feet, with a different microclimate than that demanded by the Velvetleaf Blueberry.

4e. During construction, soil disturbance will occur, which may invite noxious weeds. Any disturbed areas will be reclaimed and replanted with native plants and grasses, and the property will be incorporated into the Region One Weed Management Program. Since private boating access currently exists at the Lake Five Resort, the possibility of an invasive aquatic weed species coming in via a traveling boat will only be increased slightly. Signing will be placed on site regarding aquatic weed species, educating people about the issue, and suggesting how the spread of these plants can be prevented. Region One currently does not have invasive aquatic weed species, but they exist in Coeur d'Alene, just to the west of this area.

☼ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

➢ Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3.2.5 Fish and Wildlife

5. FISH/WILDLIFE Will the proposed action result in:	IMPACT☼				Can Impact Be Mitigated ☼	Comment Index
	Unknown☼	None	Minor☼	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				5b
c. Changes in the diversity or abundance of nongame species?		X				5c
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest, or other human activity)?			X		Y	5g
♦♦h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)			X			5h
♦i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				
j. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

5b. With construction of a parking launch, host pad, and ramp, some current vegetation will be removed, which may impact some individual birds or small mammals. The overall impact to the species will be insignificant.

5c. Landscape that has not previously been developed will be impacted. This would cause some localized displacement of small salamanders and other species not able to travel longer distances to relocate. Other birds and ground mammals would be displaced and could relocate on adjacent property.

5g. The project would create temporary noise and human activity disturbance during construction causing wildlife displacement, but would not adversely impact game or nongame wildlife in the long term. Wildlife would alter their patterns of use in the area, using the site more when it is closed to the public. Since houses currently exist near and around this site, the wildlife is habituated to human activity.

5h. With its close proximity to Glacier National Park, this area may be frequented by grizzly bear, listed as an endangered species. Wildlife Biologist Tom Litchfield was consulted. It was his opinion that, because the activities are limited to day use except for the on-site host, impacts to bears would be minimal. Bears use the area as they pass through; therefore, to prevent habitation to food sources for either black or grizzly bear, the site will be pack-in, pack-out. Any garbage left on-site overnight will be in bear-proof containers, and there will be no bird or other wildlife feeders allowed on site. The slight increase in activity associated with day use should not affect T & E species or their habitat.

☼ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

➢ Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

According to Wildlife Biologist Gael Bissell, Lake Five has not been a loon breeding lake in the recent past either due to lack of nesting habitat or disturbance. Loons do use the lake in the spring, indicating some interest by pairs for nesting or as a hangout spot while waiting for other lakes to open up. They also feed there occasionally in the summer as they do on Lion Lake. If loons attempt to nest on the lake, FWP would place buoys out to reduce disturbance to the nest. Lake Five does provide an alternate feeding lake for loons nesting elsewhere or for nonbreeders.

According to Wildlife Biologist Kristi DuBois, there are no known eagle nests on Lake Five, with the closest known nest being on Hungry Horse Reservoir. A larger number of eagles do migrate through the area in spring (mid-February to the end of March) and fall (September through November), but the presence of a fishing access site should not impact that activity. Eagle numbers are expanding. If an eagle nest is located on Lake Five, FWP will follow the Montana Bald Eagle Management Plan adopted in July of 1994.

The Brush-tipped Emerald (Dragonfly) is common throughout their range, but not common in Montana. They normally occupy boggy streams. Since the area of disturbance is not on the stream, there should be no impacts from the development of this site. With the implementation of a distance-from-shore regulation, the wetlands should be more protected than they are currently, increasing protection for the Brush-tipped Emerald.

Bull trout do not exist in Lake Five, so will not be impacted by this project.

3.2.6 Noise and Electrical Effects

6. NOISE/ELECTRICAL EFFECTS Will the proposed action result in:	IMPACT☼				Can Impact Be Mitigated ☼	Comment Index
	Unknown☼	None	Minor☼	Potentially Significant		
a. Increases in existing noise levels?			X		Y	6a
b. Exposure of people to severe or nuisance noise levels?		X			Y	6b
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

6a. With human activity in an area currently undeveloped, there will be an increase in noise level in the immediate area, which may have an impact on adjacent neighbors. Putting in a host pad in the near future so the site can be gated at night will remove the issue of late night parties and will remove this potential for disturbance to the neighbors.

6b. While individual neighbors will have different ideas of what level of noise is a nuisance, it is not anticipated that this project will increase noise levels to the point they become severe or continuous. Since the site will be for day use, and the site will be closed at night, nuisance noise should be kept to a minimum.

☼ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
➢ Include a narrative description addressing the items identified in 12.8.604-1a (ARM).
♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3.2.7 Land use

7. LAND USE Will the proposed action result in:	IMPACT☼				Can Impact Be Mitigated ☼	Comment Index
	Unknown☼	None	Minor☼	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				7a
b. Conflict with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?			X		Y	7d
e. Other: _____						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

7a & d. The area is currently residential/open space. This development will leave approximately five of the ten acres in open space, with development of the other five acres. Adjacent neighbors may perceive public use of the lake and public access adjacent to their private property as having an impact on their land values. With the installation of a host pad, and closing the site at night, impacts to private property can be minimized. There are currently complaints from adjacent neighbors about water skiing on the lake and safety issues related to that. With the provision of a public access site on the lake, FWP enforcement personnel will be more available to enforce current boating laws.

☼ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

➢ Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3.2.8 Risks and Health Hazards

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT☼				Can Impact Be Mitigated ☼	Comment Index
	Unknown☼	None	Minor☼	Potentially Significant		
a. Risk of an explosion or release of hazardous substances (including but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X			8a
b. Affect an existing emergency response or emergency evacuation plan or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				8c
♦d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a.)			X			8d
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

8a. Because of the area being used to launch motorboats into Lake Five, there is a slight risk of increased motorboat gas in the lake from older boats. Since the lake is currently used for motor boating by adjacent homeowners, the additional impact is considered to be slight. There is also a possibility of gas being spilled on the site while people are launching boats. The site will be designed in such a way that any accidental discharge will go into vegetation and be filtered before entering the lake.

8c. Under current conditions, limited access is available through the resort and walk-in traffic across the railroad tracks, and a parcel along the county road. People using either site must park along the roadway, which leads to narrowing of the road corridor and may be unsafe.

The availability of a public access will enable Fish, Wildlife & Parks Enforcement personnel to patrol the lake for water safety. Additionally, with public access the no-wake, distance-from-shore regulation will become effective, which would a) make a no-wake zone for 200 feet from shoreline, which would provide a buffer between swimmers, fishermen, and high-speed boaters; and b) possibly increase congestion due to the necessity of all jet skis and water skiers to congregate in a smaller area of the lake.

Concern has been expressed that this access will lead to an increase in the number of jet skis and water skiers on the lake, leading to unsafe, crowded conditions. From public comment received, current use on a peak weekend during the summer has been estimated at anywhere between eight and seventy boats. While the site proposed would not restrict jet skis or water skiers from using the site, parking is limited to seven vehicle and boat trailer units, and sixteen individual vehicle sites. This should restrict the number of additional boats coming through this access. If current use is already at critical mass, as stated in some comments, FWP would work with the community to manage boating conflict either with wake restrictions or with zonal or time restrictions. This would be done in a manner to treat all water users in the same fashion, whether they are adjacent property owners or are arriving on the water via the public access site.

Concern has also been expressed about the possibility for increased vandalism, trespass, theft, and loss of security. A host at the fishing access site that is able to lock the gate at night will keep vandalism and theft at the site to a minimum, and could inform FAS users about the need to be considerate of adjacent neighbors; however, this individual would not be able to stop a user from "casing" other areas of the lake.

8d. If weed control is required at the site, weed sprays will be used to control knapweed or other invasive species. An individual certified in weed control will do this in compliance with manufacturer's specifications.

☼ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

➢ Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3.2.9 Community Impacts

9. COMMUNITY IMPACT Will the proposed action result in:	IMPACT☼				Can Impact Be Mitigated ☼	Comment Index
	Unknown☼	None	Minor☼	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X		Y	9e
f. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

9e. With the addition of a public access, traffic will increase on the entrance road, which will be shared by an adjacent neighbor. FWP will examine the possibility of making a parallel road so as to not increase traffic on the current roadway. If not possible, FWP will widen the current road to accommodate two-way traffic.

☼ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

➢ Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3.2.10 Pubic Services, Taxes, and Utilities

10. PUBLIC SERVICES/TAXES/UTILITIES Will the proposed action result in:	IMPACT☼				Can Impact Be Mitigated ☼	Comment Index
	Unknown☼	None	Minor☼	Potentially Significant		
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				10a
b. Will the proposed action have an effect upon the local or state tax base and revenues?			X			10b
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electrical power, natural gas, other fuel supply or distribution systems, or communications?			X			10c
d. Will the proposed action result in increased use of any energy source?			X			10d
➢e. Define projected revenue sources.						10e
➢f. Define projected maintenance costs.						10f
g. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

10a. The proposed action will increase recreational opportunity to the public by providing access to a lake that is currently unavailable to the public.

10b. The ten-acre parcel acquired by FWP will continue to be on the tax rolls for Flathead County; however more taxes would be collected if the property was developed for private housing. The overall effect will be insignificant.

10c & d. The host pad will require power and water to provide for a host living on-site. The overall increase in use will be insignificant.

10e. No revenue will be directly collected by the operation of this site. Day use at state fishing access sites is free.

10f. Mrs. Taylor has set aside funding to assist with future maintenance costs. Costs for maintenance, including utilities for a host pad, are anticipated at $1,500 per year. An additional $500 per year would be the operations cost for enforcement personnel at the fishing access site.

☼ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

➢ Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3.2.11 Aesthetics and Recreation

11. AESTHETICS/RECREATION Will the proposed action result in:	IMPACT☼				Can Impact Be Mitigated ☼	Comment Index
	Unknown☼	None	Minor☼	Potentially Significant		
a. Alteration of any scenic vista, or creation of an aesthetically offensive site or effect that is open to public view?			X			11a
b. Alteration of the aesthetic character of a community or neighborhood?			X			11b
➢c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach tourism report.)			X			11c
♦d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails, or wilderness areas be impacted? (Also see 11a, 11c.)		X				
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

11a & b. The fishing access site development in an area currently undeveloped may be considered aesthetically offensive to neighbors viewing the site. Care will be taken during construction of the site to provide vegetative screening to impact the neighbors as little as possible while still providing for public access.

11c. The quantity of recreational/tourism opportunities will be increased with the development of this site to a lake that is otherwise unavailable to the public. Please see Appendix F for a copy of the Tourism Report on this project.

☼ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

➢ Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3.2.12 Cultural and Historical Resources

12. CULTURAL/HISTORICAL RESOURCES Will the proposed action result in:	IMPACT☼				Can Impact Be Mitigated ☼	Comment Index
	Unknown☼	None	Minor☼	Potentially Significant		
➢a. Destruction or alteration of any site, structure, or object of prehistoric, historic, or paleontological importance?		X				12a
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
♦♦d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12a.)		X				
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

12a. FWP Design and Construction Bureau will consult with the State Historic Preservation Office (SHPO) regarding the effects of the proposed project to cultural or historic resources. The site is outside the boundary of the Flathead Indian Reservation; however, the Tribe will also be consulted since federal aid will be requested to complete this project. The site will be surveyed for any cultural or historic properties prior to construction.

☼ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

➢ Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

3.2.13 Significance and Cumulative Impacts

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT☼				Can Impact Be Mitigated ☼	Comment Index
	Unknown☼	None	Minor☼	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources, which create a significant effect when considered together or in total.)			X			
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?			X			13b
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard, or formal plan?		X				13c
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?			X			13e
♦f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)			X			13f
♦♦g. For P-R/D-J, list any federal or state permits required.						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

13b. As with any construction project, there is a potential for an accident that may cause hospitalization or death. The possibility of this is slight, and if proper construction techniques are used, the likelihood can be substantially mitigated.

13c. The proposed project must be approved by the county with jurisdiction over Lake Five and those who administer the Lake and Lakeshore Protection Regulations established in 1982. FWP will work with these agencies to mitigate concerns and ensure mutual agreement.

13e & f. Because there currently exists no public access on Lake Five, homeowners on the lake may view this development as having impacts on water quality, the number of boats on the lake, property values, and their quality of life. Therefore, this proposal may generate organized opposition and controversy. In the context of the environmental reviews process, it is anticipated that controversy would be classified as minor. Please see Appendix G for the significance criteria for environmental assessments.

☼ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

➢ Include a narrative description addressing the items identified in 12.8.604-1a (ARM).

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

Chapter 4: Environmental Consequences

4.1 Introduction

The environmental consequences of this action have been outlined in the previous section. While there are environmental impacts, they can be mitigated for or are minor in nature. Social impacts will be perceived as being a greater issue.

Social issues that have been raised include:

1. Nuisance noise/disturbance.
   While there will be an increase in noise due to activity at a site that is currently undeveloped, consideration has been given to buffer areas between this property and adjacent properties. In addition, the installation of a host pad will keep loud gatherings to a minimum. The host will be able to open the gate in the morning and shut it at night, to prevent late-night use of the site. Standard hours of operation are between 5:00 a.m. and 11:00 p.m. From past operations of sites, the early morning and late evening activities are normally associated with fishing, which is a relatively quiet activity with minimal disturbance to others. FWP would work with the local community, and will adjust those hours downward if it appears that late-night activities are related to water skiing or other, more noise-prone activities that are causing disturbances on the lake and to adjacent neighbors.

2. Concerns about potential increase in criminal activity and loss of privacy.
   Concerns were expressed that the ability of the public to access the lake would increase trespass on private property, allow individuals to determine which cabins were unoccupied so they could be broken into, and would allow people to cruise the lake looking for an opportunity to commit crime. Additionally, there was a concern that additional traffic on the lake would reduce the privacy of individuals with cabins on the lake.

   The ability of the public to access the site may reduce the desire to trespass on private property, as people will be able to access legally. The access site will be controlled with an on-site host to prevent vandalism at that site; however, there is the chance that a person could use the access site to gain access to the lake for the purpose of criminal activity. There will be some loss of privacy due to the potential for additional boats, but it is unclear why this loss would be greater than it is from adjacent homeowners on the water or from people with cabins or RV sites at the resort.

3. Late night activities.
   The installation of a host pad will allow FWP to open and close the gate daily, thus precluding the use of the site for late night activities.

4. Perceived safety/crowding on Lake Five.

Many public comments focused on the perceived crowded condition of boating on Lake Five. While some respondents wanted the lake to have motor restrictions, or be a no-wake lake, others believed the additional boating and the introduction of a wake zone would force water skiers and jet skiers into the center of the lake, creating a more hazardous condition, or would eventually create the conflicts that would then preclude current water skiing and jet skiing use. Some respondents wanted FWP to restrict the use at the public access to small boats or nonmotorized boats, while imposing no restrictions on those boats getting through the lake via private access points. FWP considered this alternative and determined that having a two-tiered recreational hierarchy would be contrary to the mission of FWP, as well as being difficult to enforce.

Estimates of current use on a peak day during the high-use season ranged between 8 and 70 boats per day. Estimates from Perry Brown, the local FWP warden, were between 8 and 10 per day. The design of the site as proposed by FWP will accommodate 7 vehicle/trailer combinations and 16 individual vehicles. As part of the management of the site, FWP can preclude parking along adjacent roadways via signing and cooperation with the county sheriff, and can prohibit individuals from using the individual parking stalls by putting their boat trailer in one unit and their car in another, thus limiting the boating access to seven boats. Thus the increase in use on the lake by seven additional boats can be mitigated.

4.2 Predicted Attainment of the Project Objectives of all Alternatives

4.2.1 Predicted Attainment of Project Objective #1: Providing public recreational access on Lake Five.
- 4.2.1.1 Alternative I: No Action; would not meet the objective.
- 4.2.1.2 Alternative II: Minimal Development; would meet the objective.
- 4.2.1.3 Alternative III: Preferred Alternative; would meet the objective.

4.2.2 Predicted Attainment of Project Objective #2: Minimizing impacts on other property owners on Lake Five.
- 4.2.2.1 Alternative I: No Action; would meet the objective.
- 4.2.2.2 Alternative II: Minimal Development; would not meet the objective.
- 4.2.2.3 Alternative III: Preferred Alternative; would not meet the objective as well as Alternative I; would meet the objective better than Alternative II.

4.3 Predicted Effects on Relevant Affected Resources of All Alternatives

4.3.1 Predicted Effects on Land Resources.
- 4.3.1.1. Alternative I: No Action; no primary, secondary, or cumulative impacts.
- 4.3.1.2 Alternative II: Minimal Development.

Construction at the fishing access site will cause some temporary soil instability in the area specifically impacted by construction.

Compaction of soils will occur where the boat ramp, parking lot, and host pad are constructed. While the impacts will be substantial on this particular site, the site size makes the overall impacts to the area minor.

Because of development, more runoff will occur from this site. The use of gravel roads may increase turbidity into the lake.

There are no anticipated secondary impacts on land resources. FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.1.3 Alternative II: Preferred Alternative.

Construction at the fishing access site will cause some temporary soil instability in the area specifically impacted by construction.

Compaction of soils will occur where the boat ramp, parking lot, and host pad are constructed. While the impacts will be substantial on this particular site, the site size makes the overall impacts to the area minor.

Because of development, more runoff will occur from this site. Because the site will be paved, there will be minimal increase in turbidity in the lake due to runoff.

There are no anticipated secondary impacts on land resources. FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.2: Predicted Effects on Air Quality.

4.3.2.1 Alternative I: No Action; no anticipated primary, secondary, or cumulative impacts.

4.3.2.2 Alternative II: Minimal Development.

During construction the use of heavy equipment will cause a slight increase in emissions. The roadways and parking area will be gravel, which could cause some dust during the summer when the site is being used.

During construction the use of heavy equipment may cause some odors. These should be slight and should be gone when the project is completed.

Secondary impacts could include increased traffic on the county road, creating more vehicle emissions, and additional traffic on the shared road, which would increase dust. Both these impacts would be minor, and road maintenance and dust coating could mitigate those impacts.

FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.2.3 Alternative III: Preferred Alternative.

During construction the use of heavy equipment will cause a slight increase in emissions. The roadways and parking area will be paved so dust would be eliminated.

During construction the use of heavy equipment may cause some odors. These should be slight and should be gone when the project is completed.

Secondary impacts could include increased traffic on the county road, creating more vehicle emissions, and additional traffic on the shared road. Both impacts would be minor. Dust issues would be eliminated with paving of the roads.

FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.3 Predicted Effects on Water Quality/Quantity.

4.3.3.1 Alternative I: No Action; no anticipated primary, secondary, or cumulative impacts.

4.3.3.2 Alternative II: Minimal Development.

Construction at the fishing access site will cause some temporary soil instability in the area specifically impacted by construction.

Because of the addition of a parking lot and roadways, there will be some soil compaction, which may slightly increase runoff from this site. Because the road and parking will be gravel, some silt may find its way into Lake Five even though the site will be designed to avoid this.

Because of the area being used to launch motorboats into Lake Five, there is a slight risk of increased motorboat gas in the lake from older boats. Since the lake is currently used for motor boating, the additional impact is considered to be slight. There is also a possibility of gas being spilled on the site while people are launching boats.

Secondary impacts to water quality are possible through the increase in the number of boats on Lake Five producing more boat gas discharge into the lake, impacting water quality. Water quality at Lake Five is very good, with fresh water springs feeding the lake. The increase in the number of boats by a maximum of seven would produce insignificant impacts to water quality.

FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.3.3 Alternative III: Preferred Alternative.

Construction at the fishing access site will cause some temporary soil instability in the area specifically impacted by construction.

Because of the addition of a parking lot and roadways, there will be some soil compaction, which may slightly increase runoff from this site. Because the road and parking will be paved, there will be very little possibility that silt will find its way into lake.

Because of the area being used to launch motorboats into Lake Five, there is a slight risk of increased motorboat gas in the lake from older boats. Since the lake is currently used for motor boating, the additional impact is considered to be slight. There is also a possibility of gas being spilled on the site while people are launching boats.

Secondary impacts to water quality are possible through the increase in the number of boats on Lake Five producing more boat gas discharge into the lake, impacting water quality. Water quality at Lake Five is very good,

with fresh water springs feeding the lake. The increase in the number of boats by a maximum of seven would produce insignificant impacts to water quality.

FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.4 Predicted Effects on Vegetation.

4.3.4.1 Alternative I: No Action; no anticipated primary, secondary, or cumulative impacts.

4.3.4.2 Alternative II: Minimal Development.

Because of the construction of a parking area, boat launch, and widening of roadways, some areas on the site will no longer support vegetation.

During construction, soil disturbance will occur, which may invite noxious weeds. Any disturbed areas will be reclaimed and replanted with native plants and grasses, and the property will be incorporated into the Region One Weed Management Program.

Secondary impacts from this project would be the possibility of an invasive aquatic weed species coming in via a traveling boat. This risk will only increase slightly from the current condition, as private access for traveling boats already exists.

FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.4.3 Alternative III: Preferred Alternative; same primary, secondary, and cumulative impacts as Alternative II.

4.3.5 Predicted Effects on Fish and Wildlife.

4.3.5.1 Alternative I: No Action; no anticipated primary, secondary, or cumulative impacts.

4.3.5.2 Alternative II: Minimal Development.

With construction of a parking launch, host pad, and ramp, some current vegetation will be removed, which may impact some individual birds or small mammals.

Landscape that has not previously been developed will be impacted. This would cause some localized displacement of small salamanders and other species not able to travel longer distances to relocate. Other birds and ground mammals would be displaced and could relocate on adjacent property.

The project would create temporary noise and human activity disturbance during construction, causing wildlife displacement, but would not adversely impact game or nongame wildlife in the long term. Wildlife would alter their patterns of use in the area, using the site more when it is closed to the public.

With its close proximity to Glacier National Park, this area may be frequented by grizzly bear, listed as an endangered species. It is assumed bear may use the area, but they do not live immediately in or adjacent to this site. In consultation with Tom Litchfield, the Fish, Wildlife & Parks biologist for this area, the impacts on bears was seen as minor since the site would be day use only, and any refuse on the site would be in bear-proof containers. The slight increase in activity should not affect Threatened & Endangered species or their habitat.

Secondary impacts from increased use of this area would be mitigated for by making the site day use only, except for the resident host, and by providing bear-proof containers for any refuse left at site overnight.

FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.5.3 Alternative III: Preferred Alternative; same primary, secondary, and cumulative impacts as Alternative II.

4.3.6 Predicted Effects on Noise/Electrical Effects.

4.3.6.1 Alternative I: No Action; no anticipated primary, secondary, or cumulative impacts.

4.3.6.2 Alternative II: Minimal Development.

With human activity in an area currently undeveloped, there will be an increase in noise level in the immediate area, which may have an impact on adjacent neighbors. Noise can be expected to increase more without the installation of a host pad to close the gate at night and provide some security and maintenance during the day.

The increase in activity on the lake may produce secondary impacts by increasing noise on the lake due to the presence of additional boats. The 200' distance-from-shore, no-wake regulation should push motorboats farther into the lake, lessening the impacts of noise to lakeshore property.

FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.6.3 Alternative III: Preferred Alternative.

With human activity in an area currently undeveloped, there will be an increase in noise level in the immediate area, which may have an impact on adjacent neighbors. Putting in a host pad in the near future so the site can be gated at night will remove the issue of late night parties and will remove this potential for disturbance to the neighbors.

With a host pad, it is not anticipated that this project will increase nuisance noise levels, but individual neighbors will have different ideas of what level of noise becomes a nuisance. Since the site will be for day use, and the site will be closed at night, noise should be kept to a minimum.

The increase in activity on the lake may produce secondary impacts by increasing noise on the lake due to the presence of additional boats. The 200' distance-from-shore, no-wake regulation should push motorboats farther into the lake, lessening the impacts of noise to lakeshore property.

FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.7 Predicted Effects on Land Use.

During the public process the question was raised as to whether zoning in this area would preclude the use of the chosen site as a fishing access site. This question was researched by the Flathead County Planning and

Zoning Office. The tract is located near West Glacier on Lake Five in the Middle Canyon Zoning District and is governed by the Canyon Area Land Use Regulatory System. Section 6.2 (A)(4) of the CALURS authorizes the use of this property as a fishing access site, which is considered a community park. Please see Appendix H for the complete response.

4.3.7.1 Alternative I: No Action; no anticipated secondary or cumulative impacts.

The area is currently residential/open space. If this area is not developed as a public access site, in the future it will probably be developed for residential housing. There would be no change in current use patterns.

4.3.7.2 Alternative II: Minimal Development.

The area is currently residential/open space. This development will leave approximately five of the ten acres in open space, with development of the other five acres. Adjacent neighbors may perceive public use of the lake and public access adjacent to their private property as having an impact on their land values. Without the site control provided by an on-site presence, there will be more impacts due to late night and unsupervised or inappropriate use.

There are currently complaints from adjacent neighbors about water skiing on the lake and safety issues related to that. Without the provision of a public access site on the lake, FWP enforcement personnel will not be available to enforce current boating laws.

Secondary impacts may include a perceived loss of property values due to public access on the lake. This impact would be minor. Secondary impacts due to increased motorboat activity on the lake can be mitigated with the implementation of a 200' no-wake zone and through increased enforcement presence.

FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.7.3 Alternative III: Preferred Alternative.

The area is currently residential/open space. This development will leave approximately five of the ten acres in open space, with development of the other five acres. Adjacent neighbors may perceive public use of the lake and public access adjacent to their private property as having an impact

on their land values. With the installation of a host pad, and closing the site at night, impacts to private property can be minimized.

There are currently complaints from adjacent neighbors about water skiing on the lake and safety issues related to that. With the provision of a public access site on the lake, FWP enforcement personnel will be more available to enforce current boating laws.

Secondary impacts may include a perceived loss of property values due to public access on the lake. This impact would be minor. Secondary impacts due to increased motorboat activity on the lake can be mitigated with the implementation of a 200' no-wake zone and through increased enforcement presence.

FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.8 Predicted Effects on Risks and Health Hazards.

The public brought up crowding of the lake by motorboats, leading to risks associated with boating accidents, as an issue. This issue has been covered in Section 4.1.4

4.3.8.1 Alternative I: No Action; no primary, secondary, or cumulative impacts are anticipated.

4.3.8.2 Alternative II: Minimal Development.

Because of the area being used to launch motorboats into Lake Five, there is a slight risk of increased motorboat gas in the lake from older boats. Since the lake is currently used for motor boating by adjacent homeowners, the additional impact is considered to be slight. There is also a possibility of gas being spilled on the site while people are launching boats.

If weed control is required at the site, weed sprays will be used to control knapweed or other invasive species. An individual certified in weed control will do this in compliance with manufacturer's specifications.

Secondary impacts considered would be the impact of additional boats to the safety of water-based recreation on Lake Five. These impacts are discussed in section 4.1.4. FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP

has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.8.3 Alternative III: Preferred Alternative; same primary, secondary, and cumulative Impacts as Alternative II.

4.3.9 Predicted Community Impacts.

4.3.9.1 Alternative I: No Action.

Lake Five would continue to be unavailable for public recreation, except for limited access through the resort and walk-in traffic across the railroad tracks, and a parcel along the county road. People using either site much park along the roadway, which leads to narrowing of the road corridor and may be unsafe.

Water safety enforcement will continue to be limited due to lack of public access.

No anticipated secondary or cumulative impacts.

4.3.9.2 Alternative II: Minimal Development.

Because of the area being used to launch motorboats into Lake Five, there is a slight risk of increased motorboat gas in the lake from older boats. Since the lake is currently used for motor boating by adjacent homeowners, the additional impact is considered to be slight. There is also a possibility of gas being spilled on the site while people are launching boats. The site will be designed in such a way that any accidental discharge will go into vegetation and be filtered before entering the lake.

Community impacts identified by the public included water quality issues, safety/crowding issues, and economic issues related to the resort. Water quality and safety/crowding issues have been discussed previously in this report. In correspondence from Mike Ridenour of the Lake Five Resort, he stated that this access would not significantly impact his business. That business consists of cabin sites and RV sites, as well as boat launching facilities.

Secondary impacts would include increased traffic on the county road that leads to Lake Five and additional traffic on the shared entrance road. Concerns were also expressed that traffic coming to the site would be prone to continue down the shared access road to private property beyond. A turnaround area for vehicles will be available at the gate, and signing will be present to discourage further travel down the private

driveway. The road itself will be improved to accommodate the increased traffic. Therefore secondary impacts will be minimal.

FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.9.3 Alternative III: Preferred Alternative; same as Alternative II, including primary, secondary, and cumulative impacts.

4.3.10 Predicted Effects on Public Services/Taxes/Utilities.

4.3.10.1 Alternative I: No Action; no anticipated primary, secondary, or cumulative impacts.

4.3.10.2 Alternative II: Minimal Development.

The proposed action will increase recreational opportunity to the public by providing access to a lake that is currently unavailable to the public.

The ten-acre parcel acquired by FWP will continue to pay property tax; however, taxes collected would be greater if the property were developed for private housing. The overall effect will be insignificant.

No revenue will be directly collected by the operation of this site. Day use at state fishing access sites is free.

Mrs. Taylor has set aside funding to assist with future maintenance costs. Costs for maintenance, including utilities for a host pad, are anticipated at $1,500 per year. An additional $500 per year would be the operations cost for enforcement personnel at the fishing access site.

Secondary impacts for enforcement could be a byproduct of this activity; however, the installation of a host pad to close the site at night will greatly mitigate this possible impact. Suggestions have been made that the public access area would be used as a means to “case” adjacent lakefront properties in order to vandalize or rob them later. This is possible, but the probability is no greater than the same possibility via the road.

FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.10.3 Alternative III: Preferred Alternative.

The proposed action will increase recreational opportunity to the public by providing access to a lake that is currently unavailable to the public.

The ten-acre parcel acquired by FWP will continue to pay property tax; however, taxes collected would be greater if the property were developed for private housing. The overall effect will be insignificant.

No revenue will be directly collected by the operation of this site. Day use at state fishing access sites is free.

Mrs. Taylor has set aside funding to assist with future maintenance costs. Costs for maintenance, including utilities for a host pad, are anticipated at $1,500 per year. An additional $500 per year would be the operations cost for enforcement personnel at the fishing access site.

The host pad will require power and water to provide for a host living on-site. The overall increase in use will be insignificant.

Secondary and cumulative impacts would be the same as for Alternative II.

4.3.11 Predicted Effects on Aesthetics and Recreation.

4.3.11.1 Alternative I: No Action; no anticipated primary, secondary, or cumulative impacts.

This alternative would provide no public recreational access on a state-owned body of water. Opportunities for gaining public access on this lake in the future would be severely limited or not cost effective.

4.3.11.1 Alternative II: Minimal Development.

The fishing access site development in an area currently undeveloped may be considered aesthetically offensive to neighbors viewing the site. Care will be taken to alter the landscape as little as possible and to provide vegetative screening to screen the views of the neighbors while still providing for public access.

According to the tourism report received from the Department of Commerce, The quantity and quality of recreational/tourism opportunities will be increased with the development of this site to a lake that is otherwise unavailable to the public. Please see Appendix F for a copy of that report.

Secondary impacts to aesthetics could occur to adjacent neighbors who may view the fishing access site as intrusive. Therefore vegetative screening will be planted to screen between the public and private property. Secondary impacts due the increase in motorboat activity have been addressed elsewhere in this report.

FWP has reviewed past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.11.2 Alternative III: Preferred Alternative. Will have many of the same impacts as Alternative II; however, impacts to aesthetics may be greater due to the presence of a host living on-site, but lessened by the reduction in the potential for litter and vandalism. Other secondary and cumulative impacts would be the same as those mentioned under Alternative II.

4.3.12 Predicted Effects on Cultural/Historical Resources.

4.3.12.1 Alternative I: No Action; no anticipated primary, secondary, or cumulative impacts.

4.3.12.2 Alternative II: Minimal Development; the State Historic Preservation Office has been contacted and the site surveyed for cultural or historic artifacts. None were found; therefore, there are no anticipated primary or secondary impacts. FWP has review past actions within the same location as the proposed action, and of similar type, and found FWP has had no other activities in this area. Further, FWP is not aware of any present or reasonably foreseeable future actions within this location, or of similar type, that would pose further impacts.

4.3.12.3 Alternative III: Preferred Alternative; same as Alternative III.

4.3.13 Predicted Cumulative Effects.

4.3.13.1 Alternative I: No Action. No secondary or cumulative effects.

4.3.13.2 Alternative II: Minimal Development.

As with any construction project, there is a potential for an accident that may cause hospitalization or death. The possibility of this is slight.

Because there currently exists very limited public access on Lake Five, some homeowners on the lake view this development as having significant impacts on the number of boats on the lake, property values, safety and crowding issues, and their quality of life. Therefore, this proposal will generate opposition and controversy. In the context of the environmental review scope and process, it is anticipated that controversy would be classified as minor.

The lack of a host pad will cause impacts due to unsupervised use, lesser maintenance, and no ability to close the gate at night to prevent late night disturbances. In addition, the use of a gravel road will increase dust and road maintenance issues.

The development of a formalized public access area will make walk-in access to the lake safer.

4.3.13.3 Alternative III: Preferred Alternative.

As with any construction project, there is a potential for an accident that may cause hospitalization or death. The possibility of this is slight.

Because there currently exists very limited public access on Lake Five, some homeowners on the lake view this development as having significant impacts on the number of boats on the lake, property values, safety and crowding issues, and their quality of life. Therefore, this proposal will generate opposition and controversy. In the context of the environmental review scope and process, it is anticipated that controversy would be classified as minor.

The inclusion of a host pad will allow for decreased impacts due to unsupervised use, will increase maintenance, and will allow for a gate to be closed nightly preventing late night disturbances. The use of a paved road and parking will eliminate dust and dust abatement issues, and will lessen annual maintenance costs.

The development of a formalized public access area will make walk-in access to the lake safer.

Chapter 5: Conclusion

Finding of Need for Environmental Impact Statement:
Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment, this environmental review revealed no significant impacts from the actions. In determining the significance of the impacts, Fish, Wildlife & Parks assessed the severity, duration, geographic

extent, and frequency of the impact, the probability that the impact will occur or reasonable assurance that the impact will not occur, growth-inducing or growth inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value affected, any precedent that would be set as a result of an impact of the proposed action that would commit Fish, Wildlife & Parks to future actions; and potential conflicts with local, federal, or state laws. Therefore, an EA is the appropriate level of review, and an EIS is not required. The seriousness and complexity of the issues analyzed in accordance with ARM 12.2.431 make the EA an appropriate level of review.

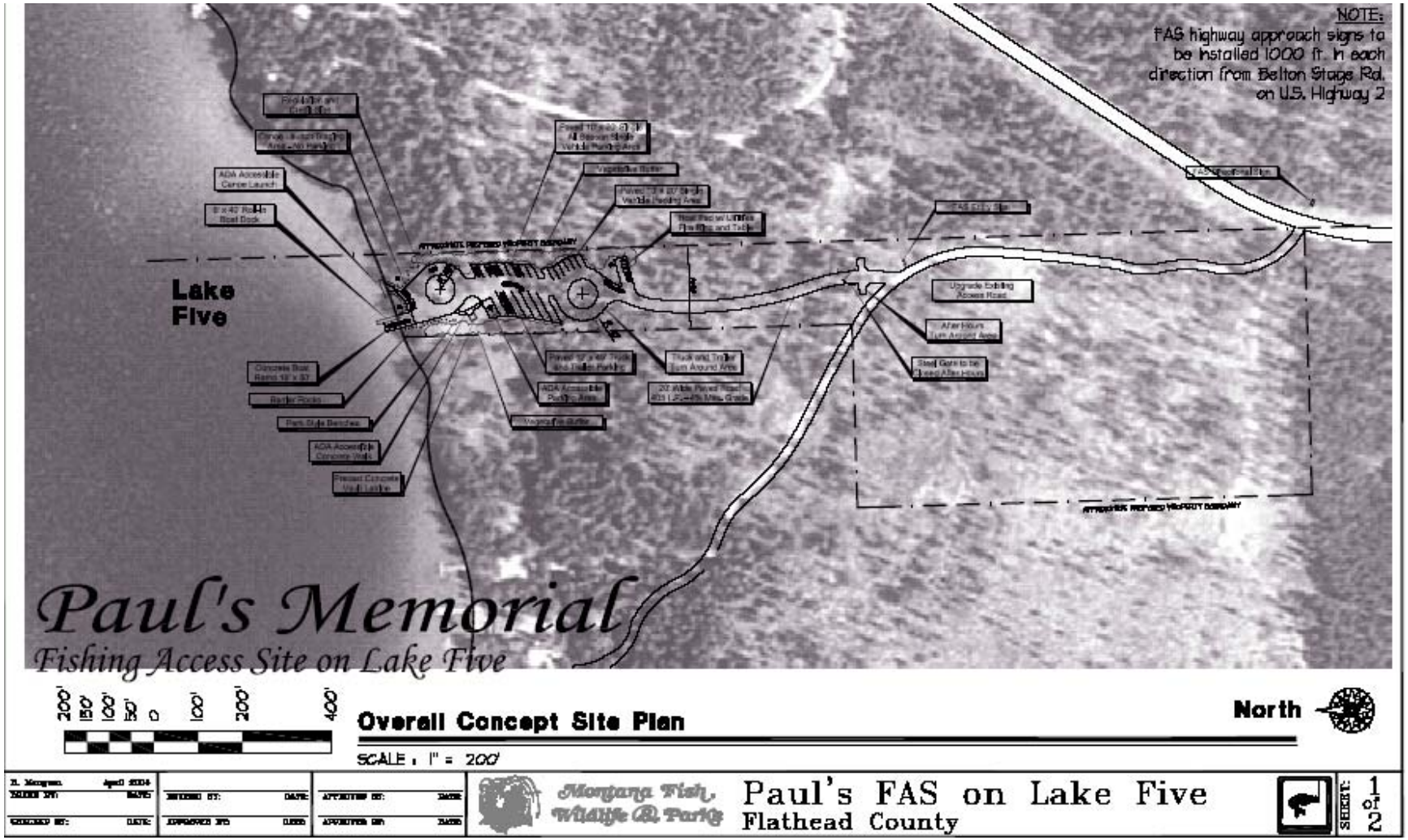
Private Property Regulatory Restrictions:
Actions described in this environmental analysis do not regulate the use of private, tangible personal property, or real property under a regulatory statute adopted pursuant to the police power of the state; the actions do not involve the denial of an application for a permit or other permission; and the actions do not restrict the use of the regulated person's private property. The actions of accepting a donation of land and developing it for a fishing access site do not place regulatory restrictions on private property and therefore do not require an evaluation of regulatory restrictions on private property.

Evaluation of Mitigation, Stipulation, and Other Controls:
There are no mitigation measures, stipulations, or other controls associated with the actions. Therefore, no evaluation is necessary. Mitigation requirements and stipulations are more often appropriate for permitting procedures. These actions do not involve permitting or granting of a license on which stipulations would be placed. Fish, Wildlife & Parks discussed the option of landowners concurrently requesting use restrictions for Lake Five, but landowners opposed to the action chose not to request use restrictions that would apply to all users.

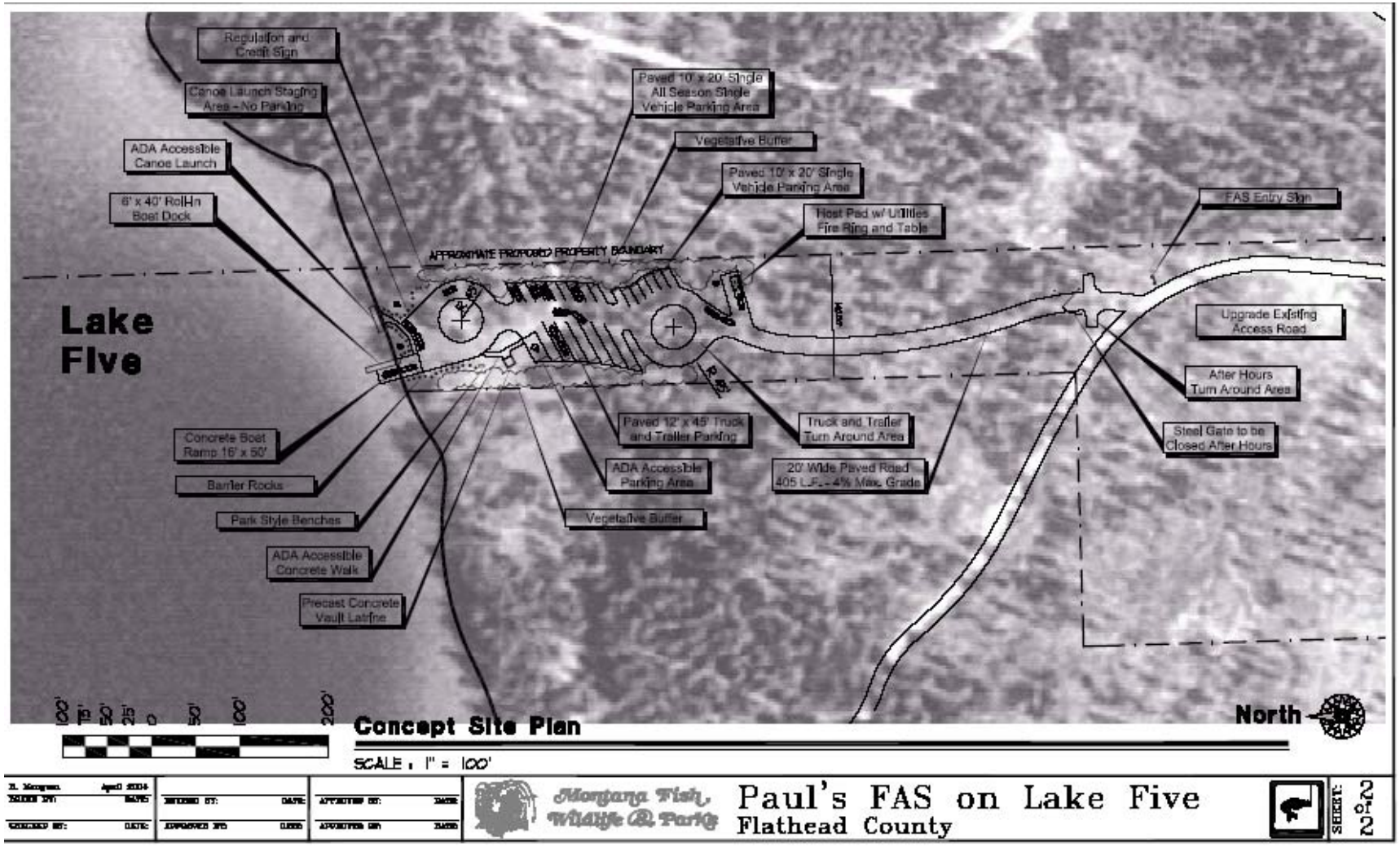
Chapter 6: Name, title, address, and phone number of the person(s) responsible for preparing the EA:

Marty Watkins
Region One Parks Program Manager
Fish, Wildlife & Parks
490 N. Meridian Road
Kalispell, MT 59901
(406) 751-4573
mawatkins@mt.gov

Appendix A


NOTE:
FAS highway approach signs to be installed 1000 ft. in each direction from Belton Stage Rd. on U.S. Highway 2
Lake Five
Paul's Memorial
Fishing Access Site on Lake Five
200' 150' 100' 50' 0 100' 200' 400'
Overall Concept Site Plan
SCALE : 1" = 200'
North
Montana Fish, Wildlife & Parks
Paul's FAS on Lake Five
Flathead County
SHEET: 1 of 2

Appendix A


Regulation and Credit Sign
Canoe Launch Staging Area - No Parking
ADA Accessible Canoe Launch
6' x 40' Rolling Boat Dock
Paved 10' x 20' Single All Season Single Vehicle Parking Area
Vegetative Buffer
Paved 10' x 20' Single Vehicle Parking Area
Host Pad w/ Utilities Fire Ring and Table
APPROXIMATE PROPOSED PROPERTY BOUNDARY
FAS Entry Sign
Upgrade Existing Access Road
After Hours Turn Around Area
Steel Gate to be Closed After Hours
Lake Five
Concrete Boat Ramp 16' x 50'
Barrier Rocks
Park Style Benches
ADA Accessible Concrete Walk
Precast Concrete Vault Latrine
Paved 12' x 45' Truck and Trailer Parking
Truck and Trailer Turn Around Area
ADA Accessible Parking Area
20' Wide Paved Road 405 L.F. - 4% Max. Grade
Vegetative Buffer
100' 75' 50' 25' 0 50' 100' 200'
Concept Site Plan
SCALE : 1" = 100'
North
Montana Fish, Wildlife & Parks
Paul's FAS on Lake Five
Flathead County
SHEET: 2 of 2

Appendix B

Montana Fish, Wildlife & Parks

Fish Planting Report - Generic Detail - Sorted by Water

New Query

Waters: 088550

Date	Species	Strn	Nbr	Len	Wt	Tmp	Rgn	County	Location
Lake Five									
05/29/1924	Brook Trout	-	10,480	0.0			1	Flathead	31N19W09
07/23/1924	Rainbow Trout	-	40,000	0.0			1	Flathead	31N19W09
08/16/1924	Bass	-	5,000	0.0			1	Flathead	31N19W09
10/15/1927	Bass	-	500	0.0			1	Flathead	31N19W09
10/15/1927	Bass	-	500	0.0			1	Flathead	31N19W09
09/16/1929	Bass	-	24,000	0.0			1	Flathead	31N19W09
09/01/1932	Largemouth Bass	-	25,000	0.0			1	Flathead	31N19W09
05/11/1933	Coho Salmon	-	15,552	2.0			1	Flathead	31N19W09
09/19/1933	Largemouth Bass	-	2,000	2.0			1	Flathead	31N19W09
08/13/1934	Largemouth Bass	-	3,800	2.0			1	Flathead	31N19W09
08/27/1936	Largemouth Bass	-	8,000	2.0			1	Flathead	31N19W09
08/17/1937	Largemouth Bass	-	5,000	3.0			1	Flathead	31N19W09
09/27/1937	Largemouth Bass	-	15,000	2.0			1	Flathead	31N19W09
10/25/1938	Largemouth Bass	-	12,500	2.0			1	Flathead	31N19W09
10/11/1940	Largemouth Bass	-	20,000	3.0			1	Flathead	31N19W09
07/28/1952	Brook Trout	-	528	8.0			1	Flathead	31N19W09
05/27/1953	Brook Trout	-	1,456	0.0	280.0		1	Flathead	31N19W09
05/20/1954	Rainbow Trout	-	600	0.0	300.0		1	Flathead	31N19W09
07/17/1956	Rainbow Trout	-	4,004	0.0	728.0		1	Flathead	31N19W09
07/24/1956	Rainbow Trout	-	4,055	0.0	811.0		1	Flathead	31N19W09
08/03/1956	Rainbow Trout	-	24,024	2.0	156.0		1	Flathead	31N19W09
05/03/1957	Rainbow Trout	-	11,200	6.0	800.0		1	Flathead	31N19W09
05/09/1957	Rainbow Trout	-	8,450	6.0	650.0		1	Flathead	31N19W09
05/10/1957	Rainbow Trout	-	8,960	0.0	700.0		1	Flathead	31N19W09
05/10/1957	Rainbow Trout	-	8,960	0.0	700.0		1	Flathead	31N19W09
05/23/1957	Rainbow Trout	-	4,320	0.0	600.0		1	Flathead	31N19W09
05/27/1958	Rainbow Trout	-	3,608	0.0	820.0		1	Flathead	31N20W02
05/27/1958	Rainbow Trout	-	3,608	0.0	820.0		1	Flathead	31N20W02
05/27/1958	Rainbow Trout	-	3,608	0.0	820.0		1	Flathead	31N20W02
06/11/1958	Rainbow Trout	-	3,003	0.0	770.0		1	Flathead	31N20W02
06/11/1958	Rainbow Trout	-	3,003	0.0	770.0		1	Flathead	31N20W02
06/17/1958	Rainbow Trout	-	3,024	0.0	720.0		1	Flathead	31N20W02
06/18/1958	Rainbow Trout	-	3,024	0.0	720.0		1	Flathead	31N20W02
06/18/1958	Rainbow Trout	-	3,024	0.0	720.0		1	Flathead	31N20W02
07/07/1958	Rainbow Trout	-	3,024	0.0	840.0		1	Flathead	31N20W02
07/07/1958	Rainbow Trout	-	3,024	0.0	840.0		1	Flathead	31N20W02
07/08/1959	Rainbow Trout	-	5,998	0.0	1,463.0		1	Flathead	31N20W02
07/08/1959	Rainbow Trout	-	5,998	0.0	1,463.0		1	Flathead	31N20W02
06/20/1960	Rainbow Trout	-	6,006	0.0	924.0		1	Flathead	31N20W02
06/30/1960	Rainbow Trout	-	7,192	0.0	1,240.0		1	Flathead	31N20W02
10/17/1960	Cutthroat Trout	-	17,000	3.0	85.0		1	Flathead	31N19W05
10/17/1960	Cutthroat Trout	-	17,200	3.0	86.0		1	Flathead	31N19W05
10/18/1960	Cutthroat Trout	-	11,200	3.0	56.0		1	Flathead	31N19W05
10/18/1960	Cutthroat Trout	-	22,000	2.0	80.0		1	Flathead	31N19W05
10/19/1960	Cutthroat Trout	-	18,000	3.0	90.0		1	Flathead	31N19W05

Appendix B

Montana Fish, Wildlife & Parks

Fish Planting Report - Generic Detail - Sorted by Water

New Query

Waters: 088550

Date	Species	Strn	Nbr	Len	Wt	Tmp	Rgn	County	Location
10/19/1960	Cutthroat Trout	-	14,000	3.0	70.0		1	Flathead	31N19W05
05/25/1961	Arctic Grayling	-	723	0.0	657.0		1	Flathead	31N19W09
06/02/1961	Arctic Grayling	-	200,000	0.0	10.0		1	Flathead	31N19W09
06/07/1961	Arctic Grayling	-	150	0.0	150.0		1	Flathead	31N19W09
08/28/1961	Cutthroat Trout	-	25,500	2.0	51.0		1	Flathead	31N19W09
08/28/1961	Cutthroat Trout	-	25,650	2.0	57.0		1	Flathead	31N19W09
09/06/1961	Cutthroat Trout	-	6,656	3.0	28.0		1	Flathead	31N19W09
05/16/1962	Arctic Grayling	-	1,920	12.0	1,440.0		1	Flathead	31N19W09
09/07/1962	Cutthroat Trout	-	29,920	2.0	80.0		1	Flathead	31N19W09
04/19/1963	Cutthroat Trout	-	3,024	6.0	112.0		1	Flathead	31N19W00
05/03/1963	Cutthroat Trout	-	2,040	5.0	60.0		1	Flathead	31N19W09
09/16/1963	Cutthroat Trout	-	18,208	6.0	1,369.0		1	Flathead	31N19W09
05/20/1964	Arctic Grayling	-	688	9.0	688.0		1	Flathead	31N19W00
05/21/1964	Arctic Grayling	-	362	9.0	362.0		1	Flathead	31N19W00
09/30/1964	Cutthroat Trout	-	5,000	3.0	34.0		1	Flathead	31N19W00
05/14/1965	Arctic Grayling	-	404	14.0	449.0		1	Flathead	31N19W00
05/17/1965	Arctic Grayling	-	406	14.0	451.0		1	Flathead	31N19W00
05/20/1965	Arctic Grayling	-	441	14.0	490.0		1	Flathead	31N19W09
05/19/1966	Arctic Grayling	-	251	14.0	314.0		1	Flathead	31N19W00
06/06/1966	Arctic Grayling	-	190,000	0.0	10.0		1	Flathead	31N19W00
09/06/1966	Cutthroat Trout	-	7,030	6.0	703.0		1	Flathead	31N19W09
09/18/1967	Cutthroat Trout	-	10,620	2.0	9.0		1	Flathead	31N19W09
07/02/1968	Cutthroat Trout	-	1,430	6.0	130.0		1	Flathead	31N19W09
07/02/1968	Cutthroat Trout	-	1,200	6.0	100.0		1	Flathead	31N19W09
07/15/1968	Cutthroat Trout	-	2,161	16.0	1,509.0		1	Flathead	31N19W09
07/30/1968	Cutthroat Trout	-	64,720	1.0	11.0		1	Flathead	31N19W09
10/10/1969	Cutthroat Trout	-	12,548	7.0	1,673.0		1	Flathead	31N19W09
04/28/1970	Cutthroat Trout	-	4,080	5.0	120.0		1	Flathead	31N19W09
04/28/1970	Cutthroat Trout	-	4,200	5.0	140.0		1	Flathead	31N19W09
04/29/1970	Cutthroat Trout	-	4,260	5.0	142.0		1	Flathead	31N19W09
06/12/1972	Cutthroat W Sl	-	12,000	3.0	174.0		1	Flathead	31N19W00
05/14/1973	Cutthroat W Sl	-	11,540	3.0	185.0		1	Flathead	31N19W10
05/10/1974	Largemouth Bass	-	35	10.0	1.0		1	Flathead	31N19W09
06/24/1975	Largemouth Bass	-	215	8.0	53.0		1	Flathead	31N19W09
06/15/1976	Largemouth Bass	-	220	7.0	55.0		1	Flathead	31N19W09
07/20/1976	Largemouth Bass	M	4,900	1.0	5.0		1	Flathead	31N19W09
05/28/1986	Kokanee	V	100,000	2.0	78.3		1	Flathead	31N19W09
05/08/1990	Kokanee	-	50,000	1.1	19.0	53	1	Flathead	31N19W09
05/10/1994	Kokanee	D	33,205	1.5	14.8	58	1	Flathead	31N19W09
05/08/1995	Kokanee	-	56,982	1.1	17.3	48	1	Flathead	31N19W09
08/16/1995	Arctic Grayling	M	52,330	0.8	7.3	64	1	Flathead	31N19W09
04/19/1996	Kokanee	D	35,700	1.2	10.5	45	1	Flathead	31N19W09
05/07/1997	Kokanee	D	29,584	1.8	34.8	48	1	Flathead	31N19W09
04/03/1998	Kokanee	D	14,080	1.6	11.7	38	1	Flathead	31N19W09
04/03/1998	Kokanee	D	15,840	1.6	11.0	38	1	Flathead	31N19W09
04/28/1999	Kokanee	D	11,232	1.4	12.0	48	1	Flathead	31N19W09

Appendix B

Montana Fish, Wildlife & Parks

Fish Planting Report - Generic Detail - Sorted by Water

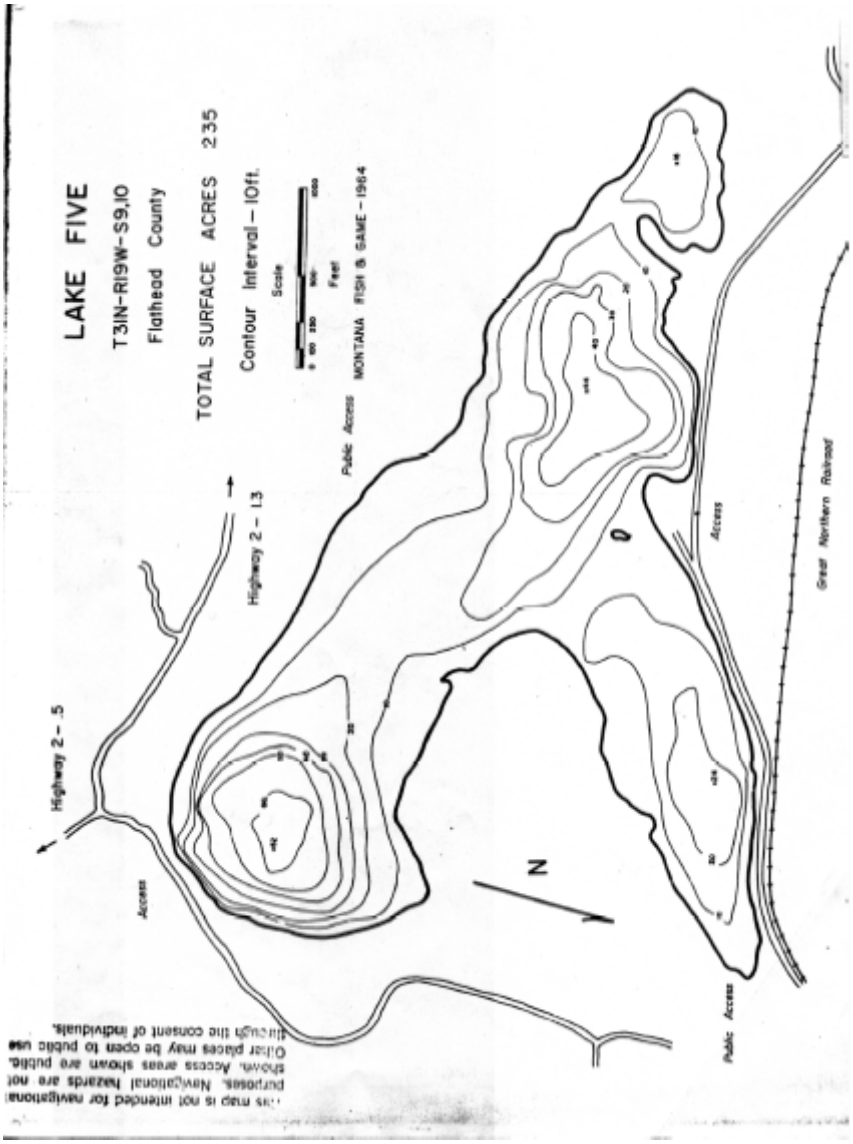
New Query

Waters: 088550

Date	Species	Strn	Nbr	Len	Wt	Tmp	Rgn	County	Location
04/28/1999	Kokanee	R	7,920	1.6	11.0	48	1	Flathead	31N19W09
04/27/2000	Kokanee	R	33,925	1.6	22.3	60	1	Flathead	31N19W09
05/04/2001	Kokanee	R	30,060	1.9	36.7	48	1	Flathead	31N19W09
04/10/2002	Kokanee	D	30,752	1.4	31.0	38	1	Flathead	31N19W09
04/27/2003	Kokanee	D	23,800	1.8	35.4	52	1	Flathead	31N19W09
05/02/2004	Kokanee	D	26,608	1.8	41.6	60	1	Flathead	31N19W09
Report Totals:			1,624,953		31,338.5				

February 11, 2005 Page 3 of 3

Appendix B


LAKE FIVE
T31N-R19W-S9,10
Flathead County
TOTAL SURFACE ACRES 235
Contour Interval – 10ft.
Scale
Feet
MONTANA FISH & GAME – 1964
Public Access
Highway 2 – 13
Highway 2 – 5
Access
Access
Great Northern Railroad
Public Access
N

Appendix C

Angling Use - Days Per Year

Lake Five

	Total		Resident		Non Resident		Ranking	
Year	Press.	s.d.	Press.	s.d.	Press.	s.d.	State	Region
2003	496	285	496	285	0	0	396	94
2001	146	88	146	88	0	0	769	184
1999	1717	958	1451	920	266	266	218	43
1997	302	170	302	170	0	0	596	125
1995	3106	2535	3106	2535	0	0	129	23
1993	124	92	124	92	0	0	923	213
1991	416	324	416	324	0	0	443	94
1989	99	71	99	71	0	0	1056	244
1985	1161	953	1161	953	0	0	279	61
1983	194	194	194	194	0	0	1005	234
1982	411	290	411	290	0	0	601	138

Angling Use Data Source:
Data provided by a biannual Statewide Angling Use Survey conducted via mail by Montana Fish, Wildlife and Parks Information Services Unit in Bozeman.

Appendix D

Preliminary Cost Estimate

Paul's FAS on Lake Five Date: 4/22/2004

Region One By: B. Mangum File No. 740.5

Item	Estimated Quantity	Unit Measure	Unit Price	Item Total
Mobilization				
Equipment Mobilization	Lump Sum		$1,000.00	$1,000.00
Establishment of BMP's	Lump Sum		$1,000.00	$1,000.00
				$0.00
Site Protection				
New Security Gate	1	Each	$1,500.00	$1,500.00
Barrier Rocks	30	Each	$75.00	$2,250.00
Highway Approach Signs	2	Each	$500.00	$1,000.00
Precast Concrete Wheel Stops	25	Each	$100.00	$2,500.00
Double Sided Highway Approach Signs	2	Each	$750.00	$1,500.00
Double Sided Directional Sign	1	Each	$750.00	$750.00
Single Sided Entrance Sign	1	Each	$750.00	$750.00
Regulation Sign	1	Each	$750.00	$750.00
Single Pole Parking Signs	3	Each	$100.00	$300.00
4 Wire Perimeter Farm Fence	2500	Lin. Ft.	$1.20	$3,000.00
				$0.00
Parking/Ramp Development				
Clearing and Grubbing	500	Cu. Yd.	$4.00	$2,000.00
Soil Sterilization	24000	Sq. Ft.	$0.25	$6,000.00
Asphalt Paved Parking Area	24000	Sq. Ft.	$3.00	$72,000.00
30' x 16' Cast in Place Concrete Upper Ramp	480	Sq. Ft.	$7.00	$3,360.00
20' x 16' Precast Concrete Cable Mat Ramp	320	Sq. Ft.	$22.00	$7,040.00
Crushed Rock Drainage Channel at Side of Ramp	40	Lin. Ft.	$10.00	$400.00
Unclassified Excavation	428	Cu. Yd.	$5.00	$2,140.00
Reclamation of Disturbed Topsoil and Vegetation	Lump Sum		$1,000.00	$1,000.00
6' x 40' Roll-In Dock	1	Each	$25,000.00	$25,000.00
				$0.00
Latrine and ADA Parking				
Precast Concrete Vault Latrine	1	Each	$8,000.00	$8,000.00
17' x 20' Concrete Parking Pad	340	Sq. Ft.	$5.00	$1,700.00
Concrete Sidewalk	300	Sq. Ft.	$5.00	$1,500.00
				$0.00
ADA Accessible Canoe Launch				
Concrete Sidewalk	350	Sq. Ft.	$5.00	$1,750.00
Canoe Launch Platform	1	Each	$25,000.00	$25,000.00
Single Pole Signs	2	Each	$75.00	$150.00
				$0.00
Site Amenities				
Campground Host Pad and Utilities	1	Each	$50,000.00	$50,000.00
Camp Fire Ring	1	Each	$200.00	$200.00

Appendix D

Picnic Table	3	Each	$300.00	$900.00
Park Style Benches	3	Each	$700.00	$2,100.00
Vegetative Buffer	Lump Sum		$10,000.00	$10,000.00
				$0.00
New Access Road Construction				
Unclassified Excavation	150	Cu. Yd.	$5.00	$750.00
Asphalt Paved Road Construction	8100	Sq. Ft.	$3.00	$24,300.00
				$0.00
Private Access Road Improvements				
20' Wide Gravel Access Road	14500	Sq. Ft.	$1.25	$18,125.00
				$0.00
	Construction Cost Subtotal			$279,715.00
Design Consultant Fee	10% Total Construction Cost			$27,971.50
Construction Management	3% Total Construction Cost			$8,391.45
Contingency	15% Total Construction Cost			$41,957.25
	Total Cost Estimate			$358,035.20

Appendix E

From: Watkins, Marty
Sent: Monday, May 16, 2005 11:15 AM
To: Ivy, Nancy
Subject: FW: Lake Five Water Quality

-----Original Message-----
From: Mark Holston [mailto:basin123@centurytel.net]
Sent: Monday, March 28, 2005 9:59 AM
To: Watkins, Marty
Subject: Re: Lake Five Water Quality

Marty:

I've pulled together some interesting water quality information on Lake Five, and will deliver it to FWP later this morning.

As you know, we have been doing data collection there since 1993, working with local volunteers.

There are a lot of raw data reports that have been collected and are in the process of being analyzed by the FLBS at Yellow Bay.

At this time, the most useful information we have that is easily understandable and scientifically valid are the annual **Chlorophyll *a*** and **Total Phosphorus** readings we've taken.

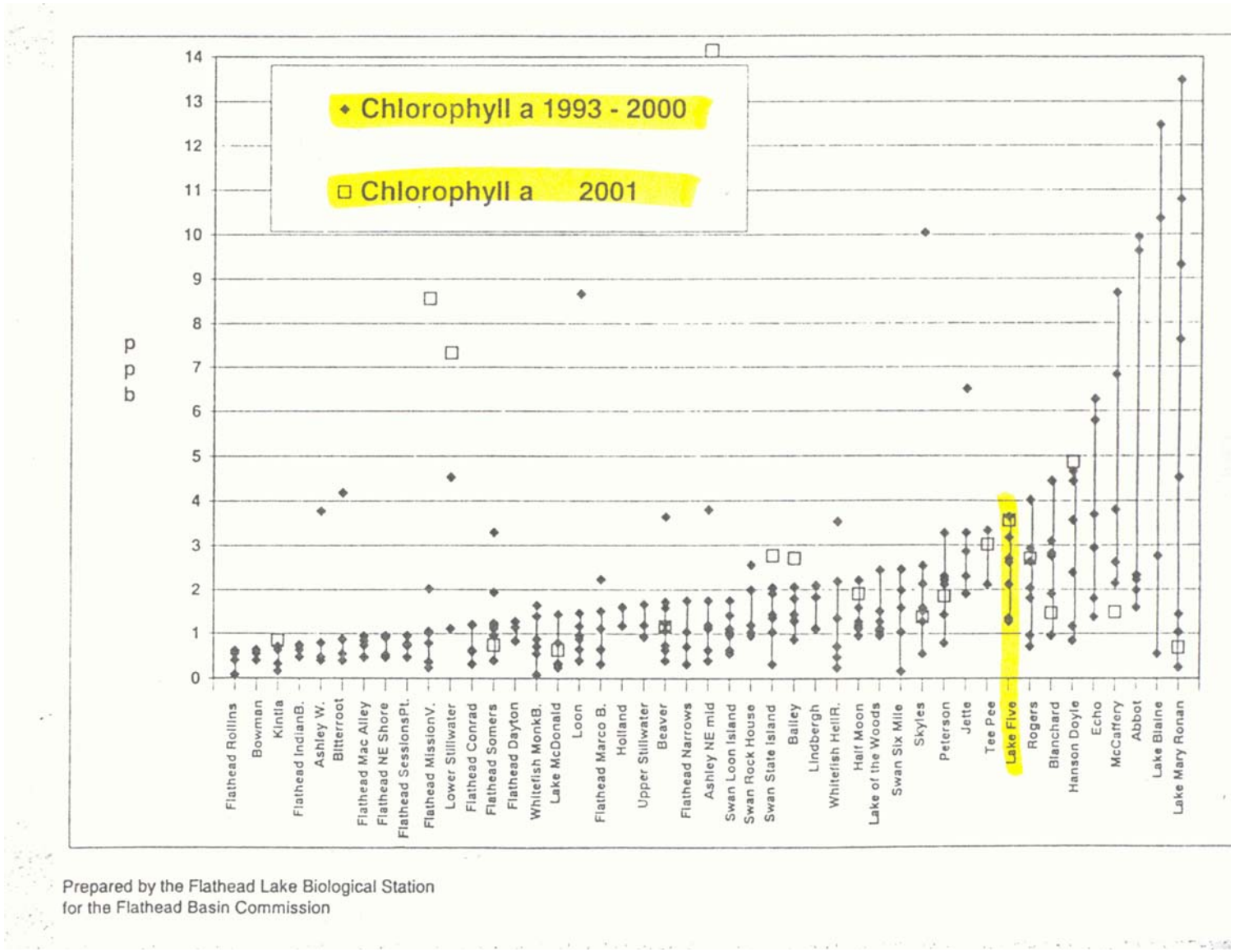
Chlorophyll *a* is used as an indicator of plant and algae productivity. Higher values suggest deteriorating water quality.

Total Phosphorus is the sum of all forms of phosphorus. Excessive amounts can lead to fertile (eutrophic) conditions and algae blooms. The higher the reading, the more serious the water quality problem.

The good news for Lake Five is that it is deep and fed by lake bottom springs. Our data indicate that the lake, compared to other lakes in the basin, from Flathead, Tally and Bowman to Echo and Blanchard, is quite healthy. Many other small lakes are much more impaired. I would say that the depth of the lake and the constant introduction of cold spring water is partly responsible for this (you may wish to consult with someone like Jim Craft at the FLBS for his assessment).

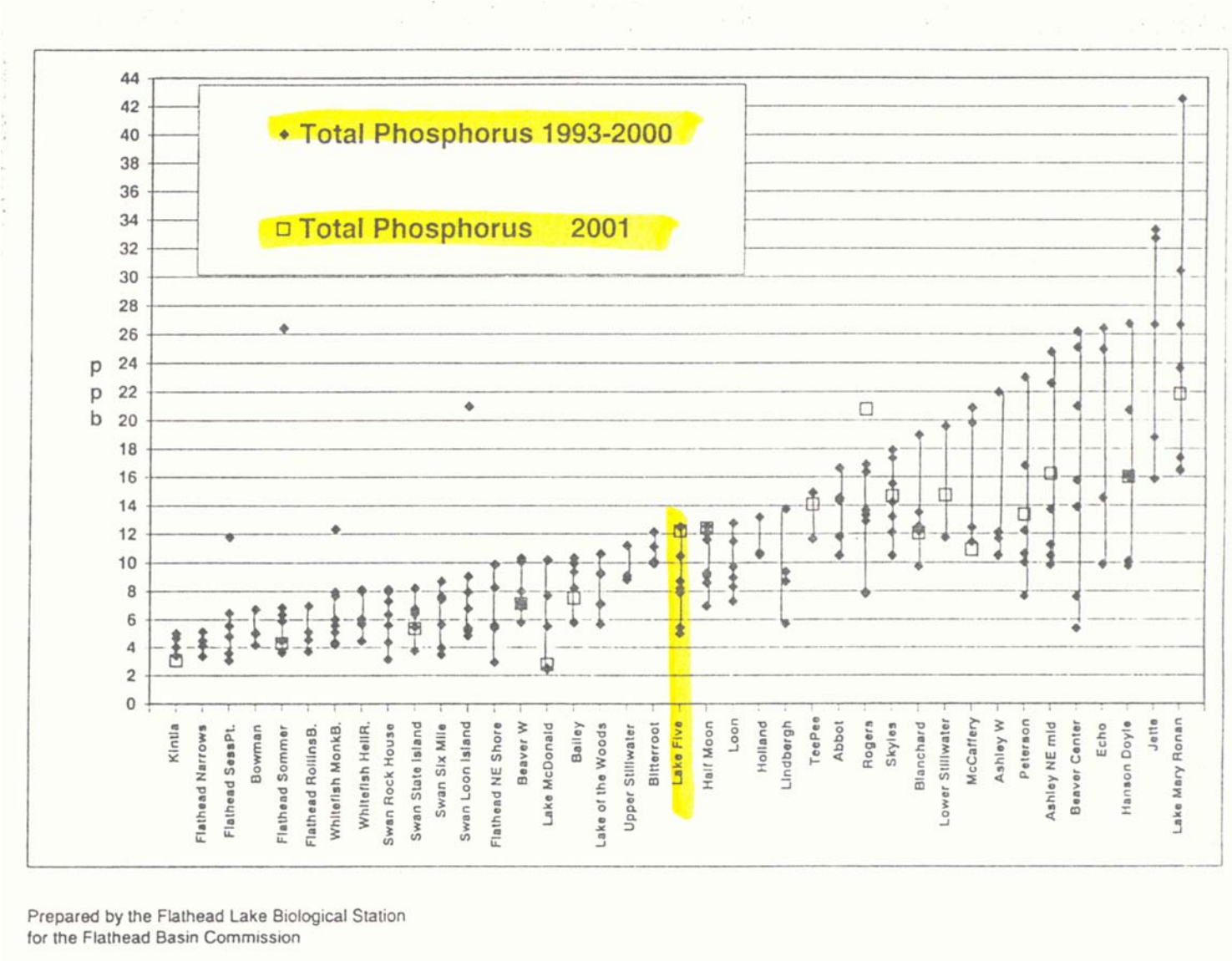
As researchers at the FLBS will tell you, however, is that in small, basically clean lakes like this, it doesn't take much to "push it over the edge." The dividing line between good and deteriorating water quality is a thin one, and often these small lakes can swing rapidly in the wrong water quality direction if they are abused.

Appendix E



Prepared by the Flathead Lake Biological Station
for the Flathead Basin Commission

Appendix E



Prepared by the Flathead Lake Biological Station
for the Flathead Basin Commission

Appendix F

TOURISM REPORT
MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Victor Bjornberg, Tourism Development Coordinator
Travel Montana-Department of Commerce
PO Box 200533
1424 9th Ave.
Helena, MT 59620-0533

Project Name: Lake Five Fishing Access Site Acquisition

Project Description:

In January of 2003 a woman, wishing to honor her son who had recently passed away, approached Fish, Wildlife & Parks. In honor of her son, she wished to provide a fishing access site for public use. Region One had identified Lake Five as a high priority for public access. During the same time frame, landowners who have property on Lake Five approached FWP. They wished to complete a sale with the Department to provide public access on the site, as this was a request of their late father. With this confluence of desires, they completed a bargain sale/purchase of ten acres on Lake Five and donated the land, along with funds for future maintenance of the site, to the Fish, Wildlife & Parks Foundation. The intent of the donation is that a fishing access site, to be known as Paul's Fishing Access Site, be developed on the lake and made available to the public. Development will be done using state and federal funds. A trust fund will be set up through the Fish, Wildlife & Parks Foundation to provide a portion of the annual maintenance of this site.

The alternatives considered in the draft EA are:

Alternative I: No Action

FWP would not accept the donation of ten acres on Lake Five and would not develop a fishing access site on the property. The funds donated for the purchase and management of the property would be returned.

Alternative II: Minimal Development

In this alternative FWP would accept the donation of ten acres on Lake Five and would develop a fishing access site on the property; however, the level of development would be reduced. No host pad would be installed, and the roads would be gravel instead of paved.

Alternative III: Preferred Alternative

In this alternative FWP would construct a day-use boat access area for 7 vehicle and trailer combinations, and 16 parking sites for individual cars. Development would include a paved entrance road, parking, a vault toilet, boat ramp, signs and gates, and a host pad. All the facilities, with the exception of the host pad, will be developed in the primary development project. The host pad will be completed after proper permitting and zoning is completed, and will include power, a well, and a septic system. The purpose of having a host on-site is to reduce impacts to other people adjacent to the property and elsewhere on the lake by closing the site at night, providing maintenance services, and providing someone to contact enforcement if problems occur on the site.

1. Would this site development project have an impact on the tourism economy?
   NO **YES** If YES, briefly describe:

FWP Comments: Because the proposed site is limited in size (seven boat and vehicle combinations and sixteen car parking spaces) and scope (day use only, no camping), it is not anticipated to draw people from out of the area. The site is near Glacier National Park, in a heavily used recreational corridor.

A private resort exists on Lake Five that will be near the site selected for this project. However, their business is mainly cabins and RV facilities. Currently they do allow individuals to launch at their launch for $10.00 per day. The proposed site would impact that boat launching aspect of their business, but would not impact the camping and RV facilities.

Travel Montana Comments:

We concur with FWP's preferred alternative. It appears best suited to address public access, environmental and social concerns. We appreciate FWP's stated goal of developing this site with sensitivity to impacts on other Lake Five landowners. We strongly encourage the agency to follow through on this commitment.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
   NO **YES** If YES, briefly describe:

FWP Comments: The proposed project would increase recreational opportunity on Lake Five.

There is concern from adjacent homeowners that Lake Five is already crowded with water based recreation, and that while this project would increase the quantity of recreation, it would lessen the quality of that experience.

Travel Montana Comments: We concur that this development increases both the quantity and quality of the recreation/tourism opportunity on Lake Five. Respecting public concerns that the quality of the experience at Lake Five may be diminished by this increased public access, we encourage FWP to use its on site management and law enforcement staff to monitor public use and discourage illegal or unsafe activities.

Signature Victor A. Bjornberg, Tourism Development Coordinator, Travel Montana Date April 13, 2005

7/98sed

MONT. ADMIN. R. 12.2.430

ADMINISTRATIVE RULES OF MONTANA

*** THIS DOCUMENT IS CURRENT THROUGH SEPTEMBER 30, 2004 ***

TITLE 12: DEPARTMENT OF FISH, WILDLIFE AND PARKS
CHAPTER 2: OVERALL DEPARTMENT RULES
SUB-CHAPTER 4: RULES IMPLEMENTING THE MONTANA ENVIRONMENTAL POLICY ACT

MONT. ADMIN. R. 12.2.430

12.2.430 GENERAL REQUIREMENTS OF THE ENVIRONMENTAL REVIEW PROCESS

Section 75-1-201, MCA, requires state agencies to integrate use of the natural and social sciences and the environmental design arts in planning and in decision-making, and to prepare a detailed statement (an EIS) on each proposal for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment. In order to determine the level of environmental review for each proposed action that is necessary to comply with 75-1-201, MCA, the agency shall apply the following criteria:

(1) The agency shall prepare an EIS as follows:

(a) whenever an EA indicates that an EIS is necessary; or

(b) whenever, based on the criteria in ARM 12.2.431, the proposed action is a major action of state government significantly affecting the quality of the human environment.

(2) An EA may serve any of the following purposes:

(a) to ensure that the agency uses the natural and social sciences and the environmental design arts in planning and decision-making. An EA may be used independently or in conjunction with other agency planning and decision-making procedures;

(b) to assist in the evaluation of reasonable alternatives and the development of conditions, stipulations or modifications to be made a part of a proposed action;

(c) to determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with a proposed action;

(d) to ensure the fullest appropriate opportunity for public review and comment on

proposed actions, including alternatives and planned mitigation, where the residual impacts do not warrant the preparation of an EIS; and

(e) to examine and document the effects of a proposed action on the quality of the human environment, and to provide the basis for public review and comment, whenever statutory requirements do not allow sufficient time for an agency to prepare an EIS. The agency shall determine whether sufficient time is available to prepare an EIS by comparing statutory requirements that establish when the agency must make its decision on the proposed action with the time required by ARM 12.2.439 to obtain public review of an EIS plus a reasonable period to prepare a draft EIS and, if required, a final EIS.

(3) The agency shall prepare an EA whenever:

(a) the action is not excluded under (5) and it is not clear without preparation of an EA whether the proposed action is a major one significantly affecting the quality of the human environment;

(b) the action is not excluded under (5) and although an EIS is not warranted, the agency has not otherwise implemented the interdisciplinary analysis and public review purposes listed in (2) (a) and (d) through a similar planning and decision-making process; or

(c) statutory requirements do not allow sufficient time for the agency to prepare an EIS.

(4) The agency may, as an alternative to preparing an EIS, prepare an EA whenever the action is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations or both imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all of the impacts of the proposed action have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance.

(5) The agency is not required to prepare an EA or an EIS for the following categories of action:

(a) actions that qualify for a categorical exclusion as defined by rule or justified by a programmatic review. In the rule or programmatic review, the agency shall identify any extraordinary circumstances in which a normally excluded action an EA or EIS;

(b) administrative actions: routine, clerical or similar functions of a department, including but not limited to administrative procurement, contracts for consulting services, and personnel actions;

(c) minor repairs, operations, or maintenance of existing equipment or facilities;

(d) investigation and enforcement: data collection, inspection of facilities or enforcement of environmental standards;

(e) ministerial actions: actions in which the agency exercises no discretion, but rather acts upon a given state of facts in a prescribed manner; and

(f) actions that are primarily social or economic in nature and that do not otherwise affect the human environment.

TITLE 12: DEPARTMENT OF FISH, WILDLIFE AND PARKS
CHAPTER 2: OVERALL DEPARTMENT RULES
SUB-CHAPTER 4: RULES IMPLEMENTING THE MONTANA ENVIRONMENTAL POLICY ACT

MONT. ADMIN. R. 12.2.431

12.2.431 DETERMINING THE SIGNIFICANCE OF IMPACTS

(1) In order to implement 75-1-201, MCA, the agency shall determine the significance of impacts associated with a proposed action. This determination is the basis of the agency's decision concerning the need to prepare an EIS and also refers to the agency's evaluation of individual and cumulative impacts in either EAs or EISs. The agency shall consider the following criteria in determining the significance of each impact on the quality of the human environment:

(a) the severity, duration, geographic extent, and frequency of occurrence of the impact;

(b) the probability that the impact will occur if the proposed action occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur;

(c) growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts;

(d) the quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources or values;

(e) the importance to the state and to society of each environmental resource or value that would be affected;

(f) any precedent that would be set as a result of an impact of the proposed action that would commit the department to future actions with significant impacts or a decision in principle about such future actions; and

(g) potential conflict with local, state, or federal laws, requirements, or formal plans.

(2) An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial.

(History: Sec. 2-3-103, 2-4-201, MCA; IMP, Sec. 2-3-104, 75-1-201, MCA; NEW, 1988 MAR p. 2692, Eff. 12/23/88.)

&&&&&&&&&&

Flathead County Planning and Zoning

Earl Bennett Building
1035 1st Ave W
Kalispell, Montana 59901

Phone: (406) 751-8200
Fax: (406) 758-8210

March 24, 2005

Darlene Edge
Montana Department of Fish, Wildlife and Parks
PO Box 200701
Helena, MT 59620-0701

Re: Zoning Determination for Lot 1 in Government Lot 3, Paul's FAS in Section 9, Township 31 North, Range 19 West P.M.M., Flathead County, Montana.

Dear Ms. Edge:

This letter is in response to a request for a formal zoning determination on the above- referenced property.

This tract is located near West Glacier on Lake Five in the Middle Canyon Zoning District and is governed by the Canyon Area Land Use Regulatory System (CALURS). Section 6.2 (A)(4) of the CALURS authorizes the use of this property as a Fishing Access Site, which is considered a Community Park. A copy of the relevant section of the regulations is enclosed.

Should you have further questions or require additional documentation, please contact me at (406) 751-8200.

Sincerely,

Kirsten Holland
Planner I

enclosure

6. In-home offices for accountants, bookkeepers, realtors, attorneys, etc.
7. Guest cottage.'
8. Above-garage sleeping/office space.'
9. Family hardship dwelling.'

'Listed uses may be accessory to an existing residential dwelling. Only 1 such accessory structure is permitted per tract of record.

C. **Major Land Uses**

1. Guest cabins: The number of permitted cabins is determined based on a land area ratio of 1 cabin per 5 acres. Maximum number of cabins per parcel shall be 10. Clustering is required to maximize area of contiguous open space.
2. Artist studio and gallery.
3. Outfitting establishments: minimum lot size requirement of 10 acres. Open space requirement of 50% of parcel area.
4. RV parks: at least 40% of parcel shall remain as undisturbed open space.
5. Retail food/gas store < 3,000 sq. ft. in floor area.
6. Restaurant: must be located in association with other commercial use or be in close proximity to a designated community center.

6.2 **MIDDLE CANYON REGION**

A. **Exempted Uses**

1. Single family dwellings (1 dwelling per lot/tract of record when consistent with the "Exemptions" provisions of these Regulations).
2. Agricultural structures.
3. Accessory structures.
4. Community park.
5. Home occupations such as artists, craft persons, day-care (12 or fewer children), social service providers, tutors, and other such activities carried on entirely within the residence by the homeowner.
6. Minor expansions of existing commercial or industrial buildings when the expansion is less than 25% of the existing floor areas and the total area expansion does not exceed 1000 square feet.
7. Duplex within designated community center of West Glacier.

B. **Minor Land Uses**

1. Public utility structures.
2. Police/fire stations and other emergency service buildings.